MIAMIBEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive June 5, 2013

Mayor Matti Herrera Bower Vice-Mayor Jonah Wolfson Commissioner Jorge R. Exposito Commissioner Michael Góngora Commissioner Jerry Libbin Commissioner Edward L. Tobin Commissioner Deede Weithorn

City Manager Jimmy L. Morales City Attorney Jose Smith City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 9:46:17 a.m.

Inspirational Message given by Rabbi Katz from Temple Beth Shmuel-Cuban Hebrew Congregation.

Pledge of Allegiance led by Hipotilo Rodriguez.

Requests for Additions, Withdrawals and Deferrals announced by the City Clerk.

The City Commission will recess for lunch at approximately 1:00 p.m.

ADDENDUM AGENDA 1:

C4L C4M C4N C7T R7H R7I R9G

ADDENDUM AGENDA 2:

C4O C7U R7J

ADDENDUM AGENDA 3:

C7U R9H

SUPPLEMENTAL AGENDA 1:

C7A Resolution

C7C Resolution

C7M Resolution

C7O Resolution

R5B Memorandum & Ordinance

R7B Memorandum & Resolution

R7E Memorandum & Resolution

SUPPLEMENTAL AGENDA 2:

C4A Memorandum R7D Draft Settlement Agreement

SUPPLEMENTAL AGENDA 3:

C7J Revised memorandum & Resolution

C7N Resolution

R7A1 Public Hearing, Joint City Commission & Redevelopment Agency- Memorandum

R7A2 Public Hearing, Joint City Commission & Redevelopment Agency- Memorandum

R7J Resolution R9C Memorandum

ADDENDUM:

Motion made by Commissioner Weithorn to add items C4L, C4M, C4N, C4O, C7T, C7U, R7H, R7I, R7J, R9G and R9H. Additionally the City Clerk announced that he will be making a presentation, which is to be included in the Agenda as Item 3 of the Reports and Informational Items, as emergency items; seconded by Commissioner Libbin; Voice vote 7-0.

Commissioner Tobin asked if C7T was properly noticed. The answer was that it was properly noticed and moved to the Regular Agenda.

Presentations and Awards

11:05:20 a.m.

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For April 2013.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificate presented.

Commissioner Exposito explained that on December 2004, a defendant was arrested and charged with two counts of engaging in sexual acts with his 14-year-old daughter and one count of child abuse. The defendant was granted bond by a Miami-Dade County Judge, who was not aware that the defendant had dual citizenships in Venezuela and in the United States. The defendant subsequently fled to Venezuela. Thereafter, the County filed an arrest warrant. The victim and the family continued to pursue the case and were in contact with Detective Velazquez. The case was also featured on "America's Most Wanted." Due to the excellent work by Detective Velazquez, they were able to locate and capture this international fugitive, and this victim will not be abused again. This Commission is very proud to have Detective Velazquez working at the City

of Miami Beach Police Department. Detective Velazquez is commended on her excellent duty as a Detective and she is given the award for Officer of the Month for April 2013.

Chief Martinez explained that this was a case of a father sexually assaulting his own biological daughter for years; until finally, the mother reported it and he was arrested. However, the defendant fled the country. Through the tenacity and perseverance of Detective Velazquez, he was tracked down because he was still receiving Social Security from the United States through direct deposit. Detective Velazquez is to be commended for the work in this case.

Detective Velazquez stated that in keeping with the subject of the importance of children in the community, she recognizes the Miami Beach Special Victims Unit who investigates these crimes against children, among them Detective Juan Sanchez, and also commended the teachers, parents and the entire community for protecting the most vulnerable young ones in the City.

PA2 Certificate Of Appreciation To Be Presented To Prague Princess For The Grand Opening Of Their New Boutique On 13th And Collins.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Item deferred.

9:52:00 a.m.

PA3 Certificates Of Appreciation To Be Presented To North Beach Elementary School Students For The Jennifer Beth Turken Heart Award.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Certificates presented to the following students: From North Beach Elementary: Kulton Weissman, Scarlett Barone, Ashley Adirika, Alex Martinez and Carlos Rodriguez; and from Feinberg Fisher K-8 Center: Katelin Rodriguez, Brooklyn Contes, Aracely Gimenez and Alexa Milian.

Commissioner Exposito explained that some years ago at North Beach Elementary, the Turken family, out of their generosity, began a program named "The Jennifer Beth Turken Heart Award." Jenny Turken was the middle child of the Turken family who suffered from brain cancer, which ultimately took her life. Jenny, during this time, had to go through some hardships in terms of the way the children treated her with the loss of her hair. The Turken family, because of this loss and in honor of their daughter, decided to recognize those children within our community that exhibit examples of goodness and kindness every month. He added that next year the program will be instituted within other schools in our community, and hopefully it will spread through the County.

Dana Turken and Mr. Robert Turken spoke.

10:06:21 a.m.

PA4 Certificates Of Recognition To Be Presented To Principal, Vice Principals And Teachers Of Feinberg Fisher K-8 Center.

(Requested by Commissioner Michael Góngora)

ACTION: Certificates presented to Roderica Mims, Teacher of the Year, and Ms. Romy Verite, Rookie Teacher of the Year.

Commissioner Góngora stated that after the terrible shootings in Connecticut, he felt compelled to honor teachers and principals throughout this community. These are individuals we should be recognizing on a daily basis, because these are the people who our children look up to and respect. He found it rewarding during the years he has served as a Commissioner to visit every school in Miami Beach. He had the pleasure this year of honoring North Beach Elementary, Nautilus Middle and South Pointe Elementary, where he served as Principal For A Day. Today he wants to honor another gem of our education system, Feinberg Fisher K-8 Center. He called forward principal Maria G. Zabala, Teacher of the Year Roderica Mims, and the Rookie Teacher of the Year Romy Verite. He added that Feinberg Fisher K-8 Center provides a safe, nurturing and sensitive atmosphere where students learn in a multicultural environment. The teachers, parents and staff work with the community in a collaborative mode to address the needs of each student and help them through the curriculum. As of March 2012, Feinberg Fisher received authorization to offer the International Baccalaureate Program (IB); and that completes all schools in Miami Beach offering this program, so we are very proud of this accomplishment. The IB Program is a challenging program that demands the most from the students and the teachers. In 2008, Feinberg Fisher was selected as one of 23 schools nationwide that participated in the healthy schools program. Two students and a chaperon from Feinberg Fisher visited Washington, D.C. and met with lawmakers about what their school was doing to reduce childhood obesity and its threat to families. Every year Feinberg Fisher hosts a Veteran's Day Memorial event that honors former teachers, World War II veteran Hank Bergman and teaches patriotism and the sacrifices that are made by veterans for their country and protecting democratic values worldwide. Commissioner Góngora congratulated Principal Zabala, the two "star teachers" and the entire school for all that they do to make our children and community better.

Maria Zabala, Principal of Feinberg Fisher K-8 Center, spoke.

10:33:47 a.m.

PA5 Certificates Of Recognition To Be Presented To Keep Paddlin', A Non-Profit Organization, Helping To Benefit Conservation Charities Events And Environmental Issues.

(Requested by Commissioner Michael Góngora)

ACTION: Certificates presented.

Commissioner Góngora recognized Keep Paddlin', a 501-C3 non-profit organization founded in 2010. Through its effort to inspire the community, Keep Paddlin' is a true example of how to do small things with great love. This quote came from somebody much wiser, Mother Theresa. This non-profit shares its mission with many other individuals by raising awareness, supporting the community, and raising thousands of dollars for social causes. Keep Paddlin' unites the community through races, fundraiser events, and they also help increase awareness of the many social causes they support. This non-profit has expanded beyond social causes to include environmental causes. In 2012, they joined E-COMB, Environmental Coalition of Miami and the Beaches, in the Adopt A Beach Program. Commissioner Góngora is happy to see this partnership because he had the honor of chairing E-COMB, and as City Commissioner, he was able to see

the real impact on the community. He knows small non-profits struggle, so he is doing his part to promote them through this presentation and hopes Keep Paddlin' has much success with future plans.

Cynthia Aguilar, Ocean Rescue Lifeguard, spoke. Scott Reynolds, Ocean Rescue, spoke.

10:12:18 a.m.

PA6 Certificates Of Appreciation To Be Presented To Karem Cortez And Monet Guardado Of The Miami Beach Teen Club, For Singing The National Anthem At The Miami-Dade County League Of Cities Annual Installation Gala.

(Requested by Commissioner Deede Weithorn)

ACTION: Certificates presented.

Commissioner Weithorn stated that a couple of months ago she had the honor and privilege of being installed as the President of the Miami-Dade County League of Cities, and she gets to choose who does the pledge, who the Honor Guard is, which of course is our Miami Beach Honor Guard; but she also gets to choose who sings the National Anthem, and it did not take long to decide that she wanted members of the Teen Club to do that, since they have so many talented students. She added that Karem Cortez is not present today but she wants to thank and recognize her and the rest of the group for what they did, and not just for this City, but for all the cities throughout Miami-Dade County.

Monet Guardado sang the National Anthem.

11:02:06 a.m.

New Item:

PA7 Certificates/Hada Moreira, Maria Castro, Robert Mejia, & Zach Evangelista. (Requested by Commissioner Deede Weithorn)

ACTION: Certificates were not presented, as the recipients were not in the audience.

Commissioner Weithorn introduced the item and explained that the City collaborated with the Internal Revenue Service to provide tax preparation assistance to residents. Volunteers worked on weekdays and weekends and transmitted over 136 tax returns this year. They generated over \$111,000 in refunds. She recognized Maria Ruiz, who organized the event; Ana La Pazos, from the IRS, as well as City employees Hada Moreira, Maria Castro, Zack Evangelista and Robert Mejia. She thanked them for their dedicated services to the community. She added that this is not the most rewarding work, but a necessary one.

10:17:48 a.m.

New Item:

PA8 Certificate/Officer Pedroso of MBPD, National Foster Care Month Recognition. (Requested by Commissioner Deede Weithorn)

ACTION: Certificate presented.

Commissioner Weithorn stated that in keeping with the kids theme, this one is a real privilege. As League President, sometimes she has to go to Washington, D.C. and Tallahassee, and on one of those flights she met Kim Black from "Our Kids." Our Kids of Miami-Dade/Monroe is a foster care provider. What she did not know is that June is National Foster Care Month, and on Saturday, she will be going to the graduation of the foster care students throughout Miami-Dade hosted by the University of Miami. Alberto M. Carvalho, Superintendent of Miami-Dade County Public Schools will be there. She found out that there are 1.500 underserved children in the foster care system. Martha and J.C. Pedroso are beginning their seventh year as licensed foster parents. Two years ago Martha became a licensed medical foster home caregiver for children in need of medical services, and while they have 300 foster licensed homes in Miami-Dade County, the number that are licensed medical fosters is very low. The Pedroso's have made a commitment to be a resource; and the principle resource is in JC's arms at this moment, as they brought the baby they are currently caring for with them. Commissioner Weithorn proceeded to speak about the Pedroso family. For the past seven years, the Pedroso's have opened their home to 33 children and they provide a nurturing environment for them. J.C. Pedroso is a Crime Scene Supervisor at Miami Beach Police Department. There are 33 children that have come in and out of their home, including the baby that is here today. Martha is active as a member of the Legislative Delegation of "Our Kids," as a member of the South-Dade Foster Care Association, and President of that organization for the last two years. On behalf of the Mayor and City Commission, it is a privilege to proclaim today June 5, 2013, Martha and J.C. Pedroso's Day in the City of Miami Beach.

Katie Black spoke. Martha Pedroso spoke.

10:29:54 a.m.

New Item:

PA9 Certificates/Michelle Petrou, Elayne Weisburd Excellence in Education Award. (Requested by Mayor Bower)

ACTION: Certificates presented.

Mayor Bower stated that at the Miami Beach Chamber of Commerce they hold the Elayne Weisburd Award annually, and Michelle Petrou won the award as the Innovator Educator this year.

Michele Petrou spoke.

Commissioner Libbin thanked Mayor Bower for recognizing Ms. Petrou, and recognized Florida Power and Light for sponsoring the luncheon every year for the Chamber Education Foundation. This is a wonderful tribute to Elayne Weisburd for all the work she did for education.

PA10 Certificate Of Recognition Presented To Joshua Williams, One Of America's Top 10 Youth Volunteers of The Year.

(Requested by Mayor Bower)

ACTION: Item deferred.

10:40:23 a.m.

New Item:

PA11 Certificates Of Recognition To be Presented to UNIDAD's Senior Placement Program. (Requested by Commissioner Wolfson)

ACTION: Certificates presented. Item referred to the Finance and Citywide Projects Committee, by acclamation. **Patricia Walker to place on the committee agenda and to handle.**

REFERRAL:

Discuss Budgetary Resources to fund programs being cut by the Federal Government at the Finance and Citywide Projects Committee.

Mayor Bower requested a resolution urging the Federal Government that the cuts to the senior programs are wrong and the sequester affects the most vulnerable people in our community. **City Attorney's Office to handle.**

Vice-Mayor Wolfson is recognized Marta Blanco from UNIDAD. The Senior Job Program in partnership with the City has been very successful in helping seniors find work and contribute to our community. Marta Blanco could not be present today, but he introduced George Lithgow, to share with this Commission another success story.

George Lithgow spoke in Spanish, and Vice-Mayor Wolfson translated into English. Vice-Mayor Wolfson thanked Mr. Lithgow for being an example to the program and for his efforts. Mr. Lithgow thanked the Commission and UNIDAD for the opportunity they have given him.

Ligia Castillo, Human Resources Assistant at Hebrew Home, spoke.

Margarita Cepeda, Executive Director from UNIDAD, informed the City Commission that the Senior Program capacity has been reduced down to 75 participants (from 120) for next year, and there are funding cuts everywhere. With the assistance of Mayor Bower, UNIDAD has scheduled a presentation at the next Commission meeting by Mr. Rick Beasley, Executive Director of the South Florida Workforce, where he will speak about the upcoming financial cuts. She added that 16 adults have been selected to participate in the 2013 Leadership Institute, and graduation is June 28th at the Convention Center. She invited the City Commission to attend or send a representative.

Discussion held regarding funding cuts. Ms. Cepeda stated that they are looking at a 29% cut in the South Florida Workforce program.

Vice-Mayor Wolfson explained that this program is vital to the community, and asked that before UNIDAD reduces services, to allow the City Commission to be able to find resources to continue the services. Discussion continued.

Mayor Bower added that these cuts have been affecting the seniors and food programs. Some elected officials have been raising and donating money to continue the free meals program. The elderly are the most vulnerable in society and the most affected by these cuts.

Commissioner Libbin suggested that the sequester and its effects be looked at in a holistic manner, and stated that he spoke with Jacob Solomon, Executive Vice-President of the Jewish Federation, and the he ensured the Commissioner that they will cover the needs of the JCS. As a community, they need to reach out to the Christian Coalition Charities, the United Way, municipalities and the County, in order to take a holistic view, not just piece meal. Discussion continued.

Vice-Mayor Wolfson requested the support of the City Commission to instruct the City Manager to sit with members of UNIDAD and find out the amount of the shortfall, the sources of City funding the City may have to tap into, and to report to the Commission. **City Manager's Office to handle**.

Commissioner Góngora stated that because of the sequester all social programs are being reduced in Miami Beach. Discussion continued.

Mayor Bower suggested looking at the needs of all social programs. The needs of all programs must to be reviewed without favoritism. She suggested referring this item to committee for discussion.

Jimmy L. Morales, City Manager, clarified that there is a \$4 million savings on labor contracts that have not materialized in this current budget, and next month they will have serious discussions on how to balance the City's budget before allocating dollars for funding.

Mayor Bower requested a resolution urging the Federal Government that the cuts to the Senior Programs are wrong, and the sequester affects the most vulnerable people in our community. **City Attorney's Office to handle.**

Commissioner Góngora referred the issue of the Federal cuts to all the social programs to the Finance and Citywide Projects Committee by acclamation. **Patricia Walker to place on the committee agenda and to handle.**

10:24:56 a.m. New Item:

PA12 Certificates of Recognition/Elan Holden Radick, Silver Knight Award Winner. (Requested by Mayor Bower)

ACTION: Certificates presented.

Mayor Bower stated that the City Commission is proud that a Miami Beach Senior High Student received the Silver Knight Award. She explained that this is one of the nation's most prestigious awards. Elan Holden Radick is a student with a 3.2 grade point average, who contributes significantly to the community. Elan started a book-recycling program seven years ago. He picked up the books from porches in his bike and distributed them to libraries operated by the Department of Corrections. Now, ninety-one schools in Miami-Dade County are holding four book drives a year. It is with great honor that we proclaim today "Elan Holden Radick's Day" in the City of Miami Beach.

Elan Holden Radick spoke.

Commissioner Exposito congratulated Elan, and added that while in high school, he too was nominated for a Silver Knight Award in Speech. He understands what it takes to win this award, since it is a brutal process interviewing with the Silver Knight Committee and they ask very hard questions. He added that this is a huge plus for his college application. He stated that Elan is a great example and an asset to our City.

CONSENT AGENDA

ACTION: Motion made by Commissioner Libbin to approve the Consent Agenda excluding the separated items; seconded by Commissioner Weithorn Voice-vote: 7-0.

New Item:

11:12:15 a.m.

JORGE GOMEZ'S FAREWELL

Commissioner Weithorn asked Mayor Bower to allow her to take a moment of personal privilege and recognize someone in the room who is going to be here for the very last time; at least for the last time officially. She asked to recognize Jorge Gomez publicly. They go back to high school together, so her bond with Jorge is pretty old, and it is with very mixed feelings that they bid Jorge a fond farewell at the end of this month. He has been with the City for 32 year, and he has always been up front with the Commission and an expert in land use matters. From her perspective, the City will not ever be the same without Jorge Gomez.

Commissioner Libbin added his sentiments of appreciation on behalf of the community. Jorge is a real gentleman and a straight shooter; he always gives honest opinions and that is appreciated. Jorge is a great individual, and he will be missed.

Commissioner Góngora stated that he will be at a loss at Land Use and Community Development meetings without Jorge. He brings such specialized and complete institutional knowledge after all these years, he understands the land use Code and how development works and furthermore he brings that knowledge to the table. Besides the fact that he is very knowledgeable, he has a very good personality, which is sometimes difficult to find in government. Jorge always works well, with a smile, and makes things happen in the City. He is going to miss Jorge, but the City is going to lose somebody who has been a fantastic member of our Administration. Thank you, Jorge.

Commissioner Tobin stated that what he likes most about Jorge is that he is first-class and has an incredible patience. Jorge fights for the City as if it is his own, and he knows that Jorge grew up in Miami Beach, and one can tell, because every time something comes up in front of him, he is passionate about making sure that the City gets what is right and does the best. That is the best quality somebody could have, that they really care; whether it is a little thing or a big thing, Jorge always has had the City's back. That is what he appreciates, his passion to make sure the City always gets a fair chance, so good luck.

Commissioner Exposito added that it has been a true pleasure serving with Jorge. He has been a great help and assistant when he has had questions and he will be missed. He echoed the words of his fellow colleagues. God bless you and your family, Jorge; you will be truly missed.

Jimmy L. Morales, City Manager, stated that Jorge has been critical to his transition and he is glad that Jorge is staying on full-time until the end of June. The Manager added that when he was a private attorney interacting with the City, Jorge showed the same professionalism, compassion, and passion that this Commission has talked about. He has been a great representative of the City. His shoes are not fillable. It is a great loss, but he has agreed to stay on a consulting basis through November timeframe, to help the City through the Convention Center project, which is a huge project, and he asked staff to help him through this transition.

Mayor Bower explained that she is probably the longest elected official sitting at the dais, and she remembers back when first elected, her preference was to call staff and ask to see if they can help her. One day, she called Jorge, at that time he was the Director of the Planning Department, and she asked him to come up to her office, but he said "no." She asked him why can't you come up to the office?" He responded "I cannot go to your office, unless the City Manager tells me I can go to the office." After a few telephone calls and follow up emails, he was able to assist her with the information needed and they developed a very good way of working together. The institutional knowledge that Jorge has, no one else in this place has; Tom Mooney, William Cary and Richard have, but the knowledge that Jorge has is something that we are going to miss. Jorge is a straight shooter and has come a long way from where he first started, and he does fight for the City, even when he has to fight with the Mayor or a Commissioner. Jorge has courage and love for the City, and it is with great sadness that she sees him go. She hopes that he has a great life with his family and lovely children. She thanked him for making her work easy.

Jose Smith, City Attorney, added that he has known Jorge for a long time, back when he became Planning Director after Dean Grandin left, and the City Attorney's Office, especially Gary, has had a tremendous relationship, personal, professional, in every which way, they worked together over the years. Jorge is a true professional, a decent gentleman and someone with whom one can sit down and reminisce about Miami Beach in the 60's and the 70's; and now 30 years later is a world-class city. Jorge helped us throughout the years, and the City is better because of the efforts of Jorge working at the City. He wished him all the best.

Jorge Gomez, Assistant City Manager, stated that it has been a privilege to work for the City he grew up in and where he attended school; it is the only career he has ever had since he came out of high school and was "hired for the summer." He added that he is leaving, but assured them that the team in place and the members staying behind are an incredible group of people. They will not miss him at all. This organization will not miss a beat and things will go on, and it is a real good group of people that have been here for a long time, and the new folks that Jimmy has brought in are incredible, and he looks forward to hearing about all of their successes in the coming years as well. He thanked everyone.

C2 - Competitive Bid Reports

C2A Request For Approval To Award Contracts To Fortiline, Inc., As Primary Vendor, And Sunstate Meter And Supply, Inc., As Secondary Vendor, Pursuant To Invitation To Bid (ITB) No. 068-2013, For The Purchase Of Water Meters, In The Annual Estimated Total Amount Of \$124,000.

(Public Works/Procurement)

ACTION: Request authorized. Eric Carpenter and Alex Denis to handle.

C2B Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 145-2013, For Routine And Emergency Sanitary Sewer And Storm Water Pipes Cleaning, And Close Circuit Television (CCTV) Inspection Services, To JCC Enterprise Labor, Inc., The Lowest Bidder, As The Primary Vendor A&A Drainage & Vac Services, Inc., The Second Lowest Bidder, As The Secondary Vendor, And Shenandoah Construction, The Third Lowest Bidder, As The Tertiary Vendor.

(Public Works/Procurement)

ACTION: Request deferred.

Handouts and Reference Materials:

1. Protest E-mail filed by James Scrima, CEO, A & A Drainage & Vac Services, Inc., 13846 NW 14 Street, Pembroke Pines, FL 33028, dated June 3, 2013.

C4 - Commission Committee Assignments

SUPPLEMENTAL AGENDA 2: Memorandum

C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding The Proposed Vacation Of The Alley Included In The Amended Plat Of The Aquarium Site Resubdivision (500 Block Of Alton Road).

(Public Works)

ACTION: Referred. Patricia Walker to place on the committee agenda. See C7U. Eric Carpenter and Gary Held to handle.

C4B Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Collins Park Garage Project (Collins Park Place).

(Capital Improvement Projects Office)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. David Martinez to handle.

C4C Referral To The Finance And Citywide Projects Committee To Discuss Potential Annual Funding Sources For The Refund Of Green Building Program Certification Application And Review Fees As Stipulated By The Green Building Ordinance.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Patricia Walker to place on the committee agenda. Eric Carpenter to handle.

C4D Referral To The Neighborhood/Community Affairs Committee To Discuss The Enforcement Components Of The Recycling Ordinance.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. Eric Carpenter to handle.

C4E Referral To The Neighborhood/Community Affairs Committee To Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. Max Sklar and Eric Carpenter to handle.

C4F Referral To The Neighborhood/Community Affairs Committee To Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. Max Sklar to handle.

C4G Referral To The Land Use And Development Committee To Discuss A Proposed Amendment To City Code Section 142-213 - Conditional Uses.

(Requested By Vice-Mayor Jonah Wolfson)

ACTION: Referred. Richard Lorber to place on the committee agenda. Richard Lorber to handle.

C4H Referral To The Next Neighborhood/Community Affairs Committee A Report From City Staff On The Traffic Calming And School Zone Expansion Initiative For 41st Street Between Meridian Avenue And Garden Avenue To Improve School Safety At Nautilus Middle School.

(Requested by Mayor Matti Herrera Bower)

ACTION: Referred. Barbara Hawayek to place on the next committee agenda. Eric Carpenter and Jose Gonzalez to handle.

C4I Referral To The Health Advisory Committee For A Discussion On Educating People On HIV Prevention And The Importance Of Getting Tested For HIV.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Sonia Bridges to place on the committee agenda and to handle.

C4J Referral To The Land Use And Development Committee For A Discussion Involving Restricting A Portion Of City Street Located In The Middle Of St. Patrick's School And Pre-K School For Safety And Security Reasons.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Richard Lorber to place on the committee agenda. Richard Lorber and Eric Carpenter to handle.

C4K Referral To Finance And Citywide Projects Committee Exploring The Impacts From The Reduction Of On-Street Parking Spaces On Alton Road Between 6th Street And Michigan Avenue Caused By The FDOT Project.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Patricia Walker to place on the committee. Saul Frances to handle.

ADDENDUM AGENDA 1:

C4L Referral To The Neighborhood/Community Affairs Committee To Discuss A Potential Public Basketball Court To Be Located Between 8th And 9th Streets, West Of The Dune, Near The Exercise Equipment.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. Eric Carpenter and Kevin Smith to handle.

ADDENDUM AGENDA 1:

C4M Referral To The Neighborhood/Community Affairs Committee To Discuss Safety And Water Sports In Residential Areas On Miami Beach.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. Kevin Smith to handle.

ADDENDUM AGENDA 1:

C4N Referral To The Land Use And Development Committee To Discuss The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Richard Lorber to place on the committee agenda. City Attorney's Office to handle.

ADDENDUM AGENDA 2:

C4O Referral To The Finance And Citywide Projects Committee To Discuss Requiring Giving Favorability To The Use Of Veterans And Disabled Veterans On Large Building Projects Within The City.

(Requested by Commissioner Michael Góngora)

ACTION: Referred. Patricia Walker to place on the committee. **Alex Denis and David Martinez to handle.**

New Item

FORMERLY ITEM C7L

C4P Referral to the Neighborhood/Community Affairs Committee, The Transportation And Parking Committee and the Bicycle-Pedestrian Facilities Advisory Committee Of A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6-Foot Wide Sidewalks, And For A Cycle Track On 16th Street.

(Public Works)

ACTION: Referred. Saul Frances and José Gonzalez to place on the committees' agendas. Eric

Handouts and Reference Materials:

Carpenter to handle.

- 1. E-mail from Denis Russ, dated June 3, 2013, For the Flamingo Park Neighborhood Association, which includes the following as attachments:
 - Flamingo Park Neighborhood Association Capital Improvements Projects Position Statement\
 (Presentation Before The Historic Preservation Board, August 10, 2010.)
 - 16th Street Community Design Workshop Results Sponsored by Flamingo Park Neighborhood Association With support from Miami Beach CDC.

C6 - Commission Committee Reports

Report Of The Neighborhood/Community Affairs Committee Meeting Of April 29, 2013: 1) C6A Discussion And Update On The Citywide Dunes Maintenance Plan. 2) Discuss The Log Cabin Property And The Possibility Of A Collaborative Community Center. 3) Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015. 4) Discussion Regarding A Long Term Solution For The Ongoing Rodent Issue On 41st Street. 5) Discussion Regarding Beach Erosion And Sand Shifting. 6) Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations. 7) Discussion Regarding The Current Policy Against Bullying And Harassment In Miami-Dade Public Schools And Begin Planning For A Citywide Youth Anti Bullying Outreach Program. 8) Discussion Regarding Criminal Background Checks For Employees Of City Contractors And Spot Check Updates For Those Background Checks. 9) Discussion Regarding Placing An Informal Plaque At The Base Of The Sculpture Of Jackie Gleason. 10) Discussion Regarding The City Of Miami Beach Fire Prevention Fines And Citations Related To Nightclubs And Other Assemblies. 11) Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance." 12) Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO. 13) Discussion Regarding Unexpected Board Vacancies Requiring Commission Vote. 14) Discussion Regarding Providing Reserved Parking For Monthly Permit Holders On Lower Floors In Our Garages To Alleviate Inconvenience Experienced By Permit Holders During Major Events Such As The Boat Show. 15) Discussion Regarding The Continuation Of The Adopt A Beach Pilot Program. 16) Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancements For North Beach.

ACTION:

Item No. 1: Discussion And Update On The Citywide Dunes Maintenance Plan.

The Committee (Commissioners Tobin, Exposito and Libbin present) directed Administration to get the contractor's maintenance timetable and return the item to Committee in two (2) months.

Item No. 2: Discuss The Log Cabin Property And The Possibility Of A Collaborative Community Center.

The Committee (Commissioners Tobin, Exposito and Libbin present) deferred the item.

Item No. 3: Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015.

Commissioner Libbin made the motion to direct the Administration to take the lead and return next month with an outline or concept of what might be done. Motion seconded by Commissioner Exposito.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Clerk's Note: See Item C7Q.

Item No. 4: Discussion Regarding A Long Term Solution For The Ongoing Rodent Issue On 41st Street.

Commissioner Tobin made the motion for the Administration to prepare LTC indicating how the City is handling the citywide rodent issue.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 5: Discussion Regarding Beach Erosion And Sand Shifting.

Commissioner Tobin made the motion to have an organizational chart and have an internal person to coordinate the efforts and address the issue behind the Green and Blue Diamond building.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 6: Discussion Regarding Amending Procedures For Appeals To The Special Master For Certain Frequent Code Enforcement Violations.

Commissioner Exposito made the motion to move forward with the recommendation. Motion was seconded by Commissioner Tobin.

Item No. 7: Discussion Regarding The Current Policy Against Bullying And Harassment In Miami-Dade Public Schools And Begin Planning For A Citywide Youth Anti Bullying Outreach Program.

Commissioner Libbin made the motion to direct the Administration to reach out to Nautilus Middle School and Feinberg Fisher K-8 Center to implement the program and sign the Anti-Defamation League's (DDL) resolution of respect; target our ADL anti-bias activity during the month of October, which is National Bullying Prevention Month; and seek the endorsement of a sports personality that kids will want to see. Motion was seconded by Commissioner Exposito.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 8: Discussion Regarding Criminal Background Checks For Employees Of City Contractors And Spot Check Updates For Those Background Checks.

Jimmy L. Morales suggested that the Administration to return the item to the Committee in July with a proposal.

The Committee (Commissioners Tobin, Exposito and Libbin present) accepted the suggestion by

City Manager Jimmy L. Morales to bring the item back in two (2) months.

Item No. 9: Discussion Regarding Placing An Informal Plaque At The Base Of The Sculpture Of Jackie Gleason.

The Committee (Commissioners Tobin, Exposito and Libbin present) moved the item forward with the necessary steps.

Item No. 10: Discussion Regarding The City Of Miami Beach Fire Prevention Fines And Citations Related To Nightclubs And Other Assemblies.

Commissioner Libbin made the motion to take Fire Department's recommendation of increasing the fine schedule. Motion was seconded by Commissioner Tobin.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the recommendation by the Fire Department.

Item No. 11: Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance."

The Committee (Commissioners Tobin, Exposito and Libbin present) deferred the item.

Item No. 12: Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.

Commissioner Libbin made the motion to take it to the Cultural Arts Council. Motion was seconded by Commissioner Exposito.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 13: Discussion Regarding Unexpected Board Vacancies Requiring Commission Vote.

Commissioner Exposito made a motion for the City Attorney to draft proposed legislation for unscheduled vacancies, and notification where there is a vacancy with a Public Notice, for all atlarge boards with notification with a minimum of 30 days prior to be considered. Motion was seconded by Commissioner Libbin.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Clerk's Note: See Item R5F.

Item No. 14: Discussion Regarding Providing Reserved Parking For Monthly Permit Holders On Lower Floors In Our Garages To Alleviate Inconvenience Experienced By Permit Holders During Major Events Such As The Boat Show.

Commissioner Libbin made the motion to give priority to regular users at the 42nd Street parking garage. Motion was seconded by Commissioner Exposito.

The Committee (Commissioners Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 15: Discussion Regarding The Continuation Of The Adopt A Beach Pilot Program. Commissioner Exposito made a motion to have ECOMB meet with the board, bring back criteria, and plan of action and for ECOMB to work with the City Attorney to ensure all other organizations

are under the liability insurance that the City carries. Motion was seconded by Commissioner Tobin.

The Committee (Commissioner Tobin, Exposito and Libbin present) unanimously moved the motion.

Item No. 16: Discussion Regarding Miami Beach Mass Transit Loop And Transit Enhancements For North Beach.

Commissioner Exposito made a motion to take a look at all studies done regarding this subject. Motion was seconded by Commissioner Tobin.

Report Of The Capital Improvement Projects Oversight Committee Meeting Of April 15, 2013: 1)
Attendance. 2) Review And Acceptance Of Minutes. 3) Public Comments. 4) Old Business/
Requested Reports: 4A. Status On The City's Ongoing Sewer Rehabilitation Program. 4B. North
Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2.
Status Report: Biscayne Point Neighborhood Improvements Project; 4C. Middle Beach
Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake
Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status On Sunset Islands III &
IV; 5. Status On Lower North Bay Road; 4D. South Beach Neighborhoods: 1. Status Report:
Venetian Islands Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island
Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase
III, IV & V Neighborhood Improvement Project. 5) Commission Items: 5A. Central Bayshore –
Bicycle Lane Along Prairie Avenue & Royal Palm Avenue; 5B. Flamingo Park Football
Field/Track Renovation Project. 5C. Additional Discussion: Flooding In Sunset Harbour
Neighborhood.

ACTION:

Item No. 1: Attendance.

See attendance sheet copy attached.

Item No. 2: Review And Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the March 11, 2013 CIPOC Meeting.

MOVED: D. Kraai 2nd: Robert Rabinowitz

PASSED: UNANIMOUS

Item No. 3: Public Comments.

Residents of the Central Bayshore neighborhood had some concerns and complaints about the work being performed in the neighborhood, specifically on Chase Avenue and on 40th Street.

Larry Ciment (Chase Avenue resident) noted that the dirt, dust and what he considers poor maintenance of the roadways had caused him inconvenience and expense. There is a pump station being installed at the median triangle at 34th Street and Chase Avenue. The overall complaint is that the work seems like it is without end, it has been in construction for two years, and there is at least one more year of work. It has been difficult for homeowners.

He also commented that he thought it was poor planning to narrow the roadway on 40th Street, and complained of the lack of parking.

Maria Hernandez stated that the entire project would be completed in March 2014. She also noted that the pump station work is the most intense, and unfortunately, these residents live at that location.

To address the residents' concern that work seemed to start and stop with no apparent plan, Fernando Vazquez explained that work is done in phases. First the water main was installed, and then came the installation of the large drainage boxes, and then installation of the system components that connect it.

Saul Gross further explained again that the infrastructure improvements involve messy component. No infrastructure improvements have been done in 80 years in Miami Beach. The improvements are necessary and the work never moves as quickly as residents would like.

Mr. Vazquez mentioned that CIP is working with Rabbi Bixon at Temple Beth Israel on 40th Street and working out the current parking condition issues.

Linda Schecther, owner of Tastee Beach Café on the corner of Royal Palm and 41st Street, asked if parking was being decreased on 40th Street. The original plans called for street narrowing, elimination of parking on the south side and parking on the north side. Newer plans add perpendicular parking on the north side.

Helen Ciment added that narrowing of the streets is not necessary, and is also upset about the loss of parking, adding that the neighborhood is no longer community-friendly.

Arline Ditchek, also a Chase Avenue resident, said that there is no objection with doing the improvements, but with the way the work is being carried out. She pointed out that the mess and the conditions are not safe for residents and drivers in the area.

Saul Gross suggested that residents call the public information officer when they have issues because the residents are the best eyes and ears for the project and can identify issues the contractor may miss.

Dwight Kraai asked if any flooding that the neighborhood experienced was due to rainfall or tides. The Central Bayshore neighborhood does not experience tidewater problems.

Gary Hunt, a Bayshore neighbor pointed out that the plan calls for removing parking on the south side of 40th Street, but provides perpendicular parking on the north side, adding 30 more spaces to the street.

Item No. 4: Old Business/ Requested Reports: 4A. Status On The City's ongoing Sewer Rehabilitation Program. 4B. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements Project; 4C. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status On Sunset Islands III & IV; 5. Status On Lower North Bay Road; 4D. South Beach Neighborhoods: 1. Status Report: Venetian Islands Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project.

a. Status on the City's ongoing sewer rehabilitation program – presented by Public Works Department Mike Alvarez, Public Works Infrastructure Division Director, talked about the

history and the current status of the City's efforts to rehabilitate the sanitary sewer system. In 1994, the EPA issued a consent decree to Miami-Dade County and its municipalities to see how many gallons of sanitary sewage and rainwater inflow were being discharged into Biscayne Bay and what was being done to reduce that amount. In 1997, the County issued an Ordinance to all municipalities to rehabilitate sewer systems. Phase I began in 1997, followed DERM requirements, to have a minimal working sewer system. Phase II was a sewer system analysis for corrective actions. Phase III was the full rehabilitation. Infiltration reduction, imposed through the consent decree was for a maximum of 5,000 gallons of infiltration per day per basin. The City spent \$23.2 million dollars on the sewer rehabilitation program from 1997 through 2005. Crews lined 300,000 linear feet of sanitary sewer pipe, joint-grouted 170 linear feet of pipe and 620 lateral connections, and completed more than 100-point repairs. The City rehabilitated 320 sanitary sewer manholes, and replaced over 350 sanitary sewer laterals from private homes to the right of way. From 2006 through 2012, at a cost of \$6.3 million, PWD cleaned and assessed 956 linear feet of pipe, replaced 120 feet of pipes, replaced 76 sewer laterals and repaired 14 sewer laterals. Of the 31 sewer basins that fall under the consent agreement, nine are currently not in compliance. Public Works is moving forward to be in full compliance by 2016. So far, the program has reduced over 15% of inflow and infiltration, which results in a savings to the City of about \$700,000 per month.

The remaining basins include South Pointe, South Beach from 5 Street to 15 Street, between Ocean Drive and Jefferson Avenue. (Saul Gross asked if this would be incorporated into the Flamingo Neighborhood CIP project. The response was that It would not be incorporated, because the system has to be brought into compliance by 2016). Work on this project is ongoing.

Dwight Kraai handed out a chart showing the data from 1995 to 2012 of wastewater treatment and water purchased in the City. The chart does show a reduction. The County set up a tiered rate schedule. If more water is used, a higher rate is issued.

Robert Rabinowitz pointed out that property owners can save on water rates if they install sub-meters.

Mike Alvarez also noted that water main leaks and breaks have also been reduced, in part due to CIP Improvements in the neighborhoods.

b. North Beach Neighborhoods

<u>Status Report: Normandy Isle Phase II Neighborhood Improvements</u> Included in written agenda, but not presented at the meeting.

<u>Status on Biscayne Point Neighborhood Improvement Project</u> Included in written agenda, but not presented at the meeting.

c. Middle Beach Neighborhoods

Status Report: Central Bayshore Improvements

This neighborhood project was discussed under the commission item. See below.

Status Report: Lake Pancoast Improvements

Included in written agenda, but not presented at the meeting.

Status Report: Sunset Islands I & II

Included in written agenda, but not presented at the meeting.

Status Report: Sunset Islands III & IV

Included in written agenda, but not presented at the meeting.

Status on Lower North Bay Road

Fernando told the Committee that he met with the residents of Lower North Bay Road `and informed them that the City is evaluating roadway elevations and design. More information will be brought back to the next meeting. Saul Gross asked for a map of all the CIP projects so that the Committee could see a comparative schedule with the Alton Road FDOT projects.

d. South Beach Neighborhoods

Status Report: Venetian Island Neighborhood Improvement Project

Included in written agenda, but not presented at the meeting.

<u>Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding</u>

Included in written agenda, but not presented at the meeting.

Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project Included in written agenda, but not presented at the meeting.

Item No. 5: Commission Items: 5A. Central Bayshore – Bicycle Lane Along Prairie Avenue & Royal Palm Avenue; 5B. Flamingo Park Football Field/Track Renovation Project. 5C. Additional Discussion: Flooding In Sunset Harbour Neighborhood.

1st MOTION: Recommend to the Mayor and Commission to pass the second resolution as amended.

MOVED: T. Trujillo 2nd: R. Rabinowitz

Committee input was to remove valley gutters from the contract and temporarily patch the roadway while exploring the options. The completion would be handled under a separate contract.

VOTE: IN FAVOR: 3 OPPOSED: 5

DID NOT PASS

2nd MOTION: Recommend to the Mayor and Commission to pass the first resolution.

MOVED: C. Jacobs 2nd: S. Kilroy

Committee input was to remove valley gutters from the contract and temporarily patch the roadway while exploring the options. The completion would be handled under a separate contract.

VOTE: IN FAVOR: 4 OPPOSED: 4

DID NOT PASS

Flamingo Park Football Field/Track Renovation Project

The item, presented by Senior Capital Project Coordinator Mattie Reyes, is to award the project for the Flamingo Park football field and track. Staff identified "Field Turf Revolution" as the specified material to be used as the artificial turf on the field. Saul asked about the cost of the specialized artificial turf and to what degree it affected the cost increase from the original budget to the budget in the ITB. Ms. Reyes could not respond because the project is in the cone of silence pre-award. She could speak about the product, stating that it was chosen on this and previous projects because it is a superior product, has adequate warranties, etc. The original budget of \$1.3 million was a conceptual budget, established in 2009. Costs have changed since that time, and other items were added to the scope, mainly due to regulatory requirements (ADA compliance and drainage, for example). Residents also requested that the track be widened, and

made of a surface that could withstand bicycle and rollerblade traffic. This also added to cost. CIP is requesting additional funding so as not to take funds away from other components that are planned in Flamingo Park.

Cheryl Jacobs asked why the decision was made to use artificial turf. The City considered wear, maintenance and year-round use in that decision.

Saul Gross requested that CIP provide the Committee with a breakdown of the Master Plan budget for Flamingo Park.

MOTION: Recommend to the Mayor and Commission to pass the resolution. Amended with the recommendation to staff to include in the packet for Commission an update of the overall budget and a breakdown of the components in the current budget showing the specific cost differences.

MOVED: C. Cuervo 2nd: D. Kraai

PASSED: UNANIMOUS

Additional Discussion:

Flooding in Sunset Harbour Neighborhood

Rick Saltrick explained that there are three pump stations in Sunset Harbour and that the Public Works Department will be performing remediation on the pumps.

On Saturday, April 13, the City experienced a strong rainfall event, which showed that 3.42" of rain fell at Sunset Harbour in less than an hour and a half. This event resulted in more rainfall than a 5-year storm event.

The first pump station is located adjacent to the tot lot on Purdy Avenue and covers the area from Dade Boulevard to the Marina exit. This pump is not operating well and requires repair. The second pump is located in the Marina. This pump is operational. The third pump is located on Sunset Harbour Drive in front of Publix. This pump is undersized and will be replaced. An ITB has been issued and is out now, for several million dollars-worth of work to this pump.

Dwight Kraai distributed photos showing flooding conditions in the Sunset Harbour neighborhood. Mr. Saltrick said that the reason for the flooding conditions shown in the photographs would be mitigated once the pumps are rehabilitated and the new pump is installed.

Additionally, Public Works is developing a neighborhood improvement project to address the issues in Sunset Harbour. They have discovered some cracked stormwater pipes and other conditions that contribute to flooding in the neighborhood. The pump station rehabilitation work will continue, first with DERM soil tests, then the replacement of the Publix pump station. Then work will proceed with the neighborhood project and replacement of pipes. This project is still in the planning stages.

Dwight Kraai asked which tidal measurements were used in the design for the upgraded stormwater system, noting that the .67" mean, used by the County does not take into account the high tides in October and November.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of May 13, 2013: 1) Discussion Of Performance And Operational Audit By Crowe Horwarth. 2) Discussion Regarding The Catering And Concessions For The Miami Beach Convention Center. 3) Discussion Regarding A Proposed Marketing Program For Sunscreen. 4) Discussion Regarding Renewal Of The Professional Services Agreement Between The City Of Miami Beach And The Superlative Group For Professional Services In Corporate Sponsorship Marketing Pursuant To Request For Proposal No. 06-04/S05. 5) Discussion Regarding PACE (Property-Assessed Clean Energy). 6) Discussion Regarding Budget Advisory Committee Recommended Pension Reform Policies And Guidelines. 7) Discussion Regarding The Issue Of Encouraging Businesses To Support The Effort Of Implementing More Homeless Meters. 8) Discussion Regarding The Collection Of City Liens. 9) Discussion Regarding The Implementation Of The Regional Climate Action Plan. Discussion Regarding To Review The 28 Rules To Determine What Can Be Done When Performing City Projects, To Avoid Doing Double Work And Increasing The Cost. 10) Discussion Regarding International City/County Management Association ("ICMA") Recommendations For Fire Department Efficiencies. 11) Discussion Regarding Labor Peace Agreements. 12) Discussion Regarding The Management Agreement For The Management Of The Miami Beach Convention Center And Colony Theater. 13) Discussion Of Senior Lunch Funding. 14) Discussion Of Lincoln Road (Euclid). 15) Discussion Of Waste Haulers.

ACTION:

Item No. 1: Discussion Of Performance And Operational Audit By Crowe Horwarth.

The Committee requested either a Letter to Commission or a report at the next Finance meeting from Chief Financial Officer Patricia Walker and Assistant City Manager Kathie G. Brooks on the working groups for each observation.

Item No. 2: Discussion Regarding The Catering And Concessions For The Miami Beach Convention Center.

The Committee stated there would be no action regarding this matter until a recommendation is brought to the City Commission.

Item No. 3: Discussion Regarding A Proposed Marketing Program For Sunscreen.

The Committee recommended proceeding with the analysis on this product and Max Sklar to bring back a fact sheet to the Commission in June or July.

Item No. 4: Discussion Regarding Renewal Of The Professional Services Agreement Between The City Of Miami Beach And The Superlative Group For Professional Services In Corporate Sponsorship Marketing Pursuant To Request For Proposal No. 06-04/S05.

The Committee stated to defer this item to the next Commission meeting until analysis from legal is done.

Item No. 5: Discussion Regarding PACE (Property-Assessed Clean Energy).

The Committee recommends having the City Manager appoint an Administrator to vet this item and then bring it back to the full Commission.

Item No. 6: Discussion Regarding Budget Advisory Committee Recommended Pension Reform Policies And Guidelines.

The Committee recommended passing the guidelines recommend for the long-term pension reform by the Budget Advisory Committee and then moved the item to the full Commission with the exception of the one item that requires review by legal.

Item No. 7: Discussion Regarding The Issue Of Encouraging Businesses To Support The Effort Of Implementing More Homeless Meters.

The Committee recommended moving this item to the Commission with feedback from the Homeless Committee.

Item No. 8: Discussion Regarding The Collection Of City Liens.

The Committee requested a review of those liens that can be foreclosed upon and refer them to the Legal Department for action.

Item No. 9: Discussion Regarding The Implementation Of The Regional Climate Action Plan. Discussion Regarding To Review The 28 Rules To Determine What Can Be Done When Performing City Projects, To Avoid Doing Double Work And Increasing The Cost. The Committee stated this was an update and took no action.

Item No. 10: Discussion Regarding International City/County Management Association ("ICMA") Recommendations For Fire Department Efficiencies.

Item Deferred.

Item No. 11: Discussion Regarding Labor Peace Agreements.

The Committee recommended Chief Deputy City Attorney Aguila put together a resolution that is appropriate for the City and bring it back to the June Commission.

Clerk's Note: See Item C7T.

Item No. 12: Discussion Regarding The Management Agreement For The Management Of The Miami Beach Convention Center And Colony Theater.

The Committee directed staff to proceed with two (2) one (1) year renewal options, instead of one (1) two (2) year renewal and took no action.

Clerk's Note: See Item R7C.

Item No. 13: Discussion Of Senior Lunch Funding.

The Committee made a motion to set aside funding for lunch at the 3 Senior Facilities until the next Commission meeting.

Item No. 14: Discussion Of Lincoln Road (Euclid).

The Committee requested a Letter To Commission and for this item to be moved to the full Commission.

Clerk's Note: See Item C7R.

Item No. 15: Discussion Of Waste Haulers.

The Committee requested the Ordinance be brought back to the Commission for first reading to determine if there needs to be Code changes.

C7 - Resolutions

9:50:01 p.m.

SUPPLEMENTAL AGENDA 1: Resolution

A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To The Florida's Safe Routes To School Program In The Approximate Amount Of \$150,000 For Funding For Various Infrastructure Improvements, For Fienberg-Fisher K-8 Center; 2) Submit A Grant Application To The Florida's Safe Routes To School Program, For Funding, In The Approximate Amount Of \$800,000 For Various Infrastructure Improvements At Nautilus Middle School And North Beach Elementary And For A Traffic Study And Various Infrastructure Improvements At Miami Beach Senior High School; 3) Submit An Application To Florida Department Of Transportation For Funding In The Approximate Amount Of \$1,000,000 For Transportation Alternatives Program (TAP) Funds For The Middle Beach Recreational Corridor From 58th To 64th Street; And Further, Retroactively Approving The Following: 4) Submittal Of A Grant Application To The US Department Of Justice. Office Of Community Oriented Policing Services (COPS), Cops Hiring Program For Funding In The Approximate Amount Of \$1,600,000 Over Three Years For The Hiring Of Additional Career Law Enforcement Officers; Appropriating The Above Grants, Matching Funds And City Expenses, If Approved And Accepted By The City Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits Of Such Grants, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants.

(Budget & Performance Improvement)

ACTION: Item separated for discussion by Commissioner Weithorn. Resolution 2013-28221 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice vote; 7-0. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

RECOMMENDATIONS:

Stipulation must be part of budget discussion Requested long-term financial impact, not year one, but entire grant program

Commissioner Weithorn stated, for the record, that this has to be done as part of the budget process; it is \$400,000 and should not come this late in the year without going to budget. She will move it with the stipulation that it must be part of the budget discussion. She also requested the long-term financial impact, not year one, but she wants to see the entire grant program to understand the costs. **Judy Hoanshelt to handle.**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Authorizing The Mayor And City Clerk To Execute Amendment No. 25 To The Professional Services Agreement Between The City Of Miami Beach, Florida, And CH2MHill For The Professional Landscape, Architectural And Engineering Services For The Right-Of-Way Infrastructure Improvement Program For Neighborhood No. 8 Bayshore And Sunset Islands, Dated May 16, 2001 (The Agreement), For Additional Design Services To Update The Current Design To Adhere To The Public Works Department Storm Water Design Guidelines And To Incorporate The Seawall Reconstruction Design For The Street End Of 23rd Street For The Bayshore Neighborhood No. 8 - Lower North Bayroad (Package B), For A Not To Exceed Amount Of \$XXXXX And An Additional Amount Of \$XXXXX For Reimbursables Expenses, For A Total Amount Of \$XXXXX, With Previously Appropriated Funding.

(Capital Improvement Projects Office)

(Memorandum to be Submitted in Supplemental)

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ACTION: Item withdrawn.

SUPPLEMENTAL AGENDA 1: Resolution

C7C A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Existing Professional Services Agreement Between The City Of Miami Beach And Atkins North America, Inc. Dated September 23, 2011, For The Bayshore Neighborhood No. 8 Right Of Way Infrastructure Improvement - Central Bayshore (Package A), Lower North Bay Road (Package B), And Lake Pancoast (Package C) Projects, For Additional Resident Project Representative Services, For A Period Of Eight (8) Months, In The Negotiated Not-To-Exceed Amount Of \$234,409 And An Additional Amount Of \$6,950 For Reimbursables Expenses, For A Total Amount Of \$241,359, With Previously Appropriated Funding.

(Capital Improvement Projects Office)

ACTION: Resolution 2013-28222. David Martinez to handle.

C7D A Resolution Electing Commissioner Edward L. Tobin, Group V, As Vice-Mayor For A Term Commencing On July 1, 2013, And Terminating On October 31, 2013, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2013-28223 adopted. Rafael E. Granado to handle.

C7E A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving The Purchase Of Two (2) Ford F-450 Trucks In The Amount Of \$77,056, From Duval Ford, From Contract No. 12-10-0905; One (1) Ford Expedition XL SUV, In The Amount Of \$38,012, And One (1) Ford F-250 Truck, In The Amount Of \$27,827, From Duval Ford, From Contract No. 12-20-0905; And Two (2) Traumahawk Ambulances From ETR, L.L.C., In The Amount Of \$492,514, From Contract No. 11-10-1202; Through The Florida Sheriffs Association.

(Fleet Management)

ACTION: Resolution No. 2013-28224 adopted. Jorge Cano to handle.

C7F A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Mayor And City Clerk To Execute An Agreement With Cassidian Communications, Inc., For An Initial Term Of Two (2) Years, With The Option To Renew For Two (2) Additional Years, In The Annual Amount Of \$12,415.

(Information Technology)

ACTION: Resolution No. 2013-28225 adopted. Gladys Gonzalez to handle.

C7G A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Mayor And City Clerk To Execute An Agreement With AT&T To Add Centrex Services To The AT&T Master Service Agreement For A Term Of Three (3) Years, In The Annual Amount Of \$183,000.

(Information Technology)

ACTION: Resolution No. 2013-28226 adopted. Gladys Gonzalez to handle.

9:48:57 p.m.

C7H A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Purchase Of Sports Lighting Systems From Musco Lighting For Purposes Of Standardization Of The City's Athletic Fields, Sport Courts, And Driving Range Lighting In An Amount Not To Exceed \$90,751.00.

(Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2013-28227 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Exposito: Voice vote: 7-0. Kevin Smith to handle.

Commissioner Tobin explained the reason he separated the item was because there was going to be a no bid with Musco Lighting, but the resolution language read open bid for purchase for \$90.000.

Jimmy L. Morales, City Manager, explained that he and Commissioner Tobin had been able to discuss the Commissioner's concern, and that the language that Commissioner Tobin was troubled by had been resolved.

A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Purchase Of Airfares, Hotels, Meals, Local Transportation, Program Expenses And Any Associated League And Tournament Fees And The Purchase Of Prepared Foods And Related Products, To Be Utilized By The City Of Miami Beach Parks And Recreation Department's Participants In Programs And Activities Including, But Not Limited To, Athletics, Sports, Out Of Town Travel And In-House Local Events And Programs; Said Waiver Shall Be Authorized For A Period Of Three (3) Years, On A Year To Year Basis, Contingent Upon City Commission Approval Of The Department's Related Budget Allocation(s), The Department's Fund Raising Efforts And Receipt Of Sponsorships, Donations, Grants, And Other Funding Sources.

(Parks & Recreation)

ACTION: Resolution No. 2013-28228 adopted. Kevin Smith to handle.

9:48:44 p.m.

SUPPLEMENTAL AGENDA 3: Revised Memorandum & Resolution

C7J A Resolution Of The Mayor And The City Commission Of The City Of Miami Beach, Florida, Approving Month-To-Month Extensions Of The Agreements Between The City And, Respectively, Ashbritt, Inc.; Ceres Environmental Services, Inc.; Phillips And Jordan, Inc.; And Crowdergulf Joint Ventures, Inc., For Disaster Recovery Services; With Said Extensions Having Been Deemed To Have Commenced Retroactively As Of February 1, 2013, And Terminable By The City, For Convenience And Without Cause, Upon Thirty (30) Days Prior Written Notice To The Contractors.

(Public Works)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2013-28229 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Exposito; Voice vote: 7-0. Eric Carpenter to handle.

C7K A Resolution Accepting A Donation From Aimco, Owner Of The Flamingo South Beach, Of Two (2) Park Benches And Landscaping At The Street End Of 14th Street.

(Public Works)

ACTION: Resolution No. 2013-28230 adopted. Eric Carpenter to handle.

ITEM MOVED TO REFERRAL ITEM C4P

C7L A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report As Requested By The Flamingo Park Neighborhood Association For 10-Foot Wide Travel Lanes In The Local Avenues, 6-Foot Wide Sidewalks, And For A Cycle Track On 16th Street.

(Public Works)

ACTION: See action with Item C4P. Item referred.

Handouts and Reference Materials:

- 1. E-mail from Denis Russ, dated June 3, 2013, For the Flamingo Park Neighborhood Association, which includes the following as attachments:
 - Flamingo Park Neighborhood Association Capital Improvements Projects Position Statement\
 (Presentation Before The Historic Preservation Board, August 10, 2010.)
 - 16th Street Community Design Workshop Results Sponsored by Flamingo Park Neighborhood Association With support from Miami Beach CDC.

SUPPLEMENTAL AGENDA 1: Resolution

C7M A Resolution Approving And Accepting Two (2) Easements From Dorothy Riggs, John Riggs, William Riggs, And BMO Harris Bank As The Owners Of The Property Located At 6876 Collins Avenue (The Publix Property) For: 1) A Utility Easement Located At The South End Of The Property For The Construction, Installation, Maintenance, Repair, And Replacement Of City Utilities; And 2) A Non-Exclusive Pedestrian Easement On The North Side Of The Property Parallel To The South Side Of 69th Street, From Collins Avenue To Harding Avenue.

(Public Works)

ACTION: Resolution No. 2013-28231 adopted. Eric Carpenter to handle.

9:52:27 p.m.

SUPPLEMENTAL AGENDA 3: Resolution

C7N A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Procurement Of Construction Services From Community Asphalt, The Florida Department Of Transportation (FDOT) Contractor, In The Estimated Amount Of \$131,330 To Adjust Or To Relocate Approximately Ninety-Three (93) Valve Boxes, Fourteen (14) Sanitary Sewer Manhole Covers, Twenty-Two (22) Water Meter Boxes, Sixteen (16) Fire Hydrants, Two (2) Water Services, And One (1) 8-Inch Water Main, In Conjunction With The FDOT Right-Of-Way Improvement Project On Collins Avenue, From 5th Street To Lincoln Road.

(Public Works)

ACTION: Item separated for discussion by Commissioner Weithorn. Motion made by Commissioner Exposito; seconded by Commissioner Libbin; Voice vote: 5-2; Opposed: Vice-Mayor Wolfson and Commissioner Weithorn. Resolution No. 2013-28232 adopted. Eric Carpenter to handle.

Commissioner Weithorn stated, for the record, that they are waiving bidding services for an FDOT construction project on Collins Avenue; it stated that due diligence was done; however, the package did not state who did the due diligence or how, and she wants to know what was done to feel comfortable approving the item.

Eric Carpenter, Public Works Director, explained that they compared those numbers versus other projects that they bid, and also with the FDOT line items on both the Alton Road and Collins Avenue projects; and those numbers were within 12% or 15% of the numbers obtained with other contracts. In answering Commissioner Weithorn's questions, he stated that the numbers were generally a little bit higher.

Commissioner Weithorn explained she is voting "no" because she is not sure due diligence was done.

SUPPLEMENTAL AGENDA 1: Resolution

C7O A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee On March 21, 2013, Allowing For The Use Of Vacant City-Owned Fee Simple Land, As May Become Available From Time To Time, For The Purpose Of Staging And/Or Storing Construction Equipment In Connection With City-Funded Construction Projects Only; And Further Directing The Administration To Develop Policies And Procedures For Such Purpose.

(Real Estate, Housing & Community Development)

ACTION: Resolution No. 2013-28233 adopted. Max Sklar to handle.

C7P A Resolution Approving An Expenditure Of \$5,050 For The City's Joint Tourism And Hospitality Scholarship Program In Partnership With Global Spectrum And Centerplate; And Further Awarding Said Scholarships.

(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28234 adopted. Max Sklar to handle.

C7Q A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Establish A Centennial Celebration Ad-Hoc Committee To Provide Ideas And Recommendations Pertaining To All Matters With Respect To Events And Activities Related To The City Of Miami Beach Centennial On March 26, 2015.

(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28235 adopted. Max Sklar to handle.

City Clerk's Note: See Item C6A-3

11:08:00 p.m.

C7R A Resolution Approving The Conceptual Plan Developed For The Euclid Avenue Street End Project On Lincoln Road; Further Authorizing The City Manager To Enter Into Negotiations With The Developer For An Agreement To Design And Build The Project.

(Tourism, Culture & Economic Development)

ACTION: Item separated for discussion by Commissioner Weithorn. Resolution 2013-28236 adopted. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Libbin; Voice vote; 5-2; Opposed: Commissioners Tobin and Weithorn. Joe Jimenez, Eric Carpenter and Max Sklar to handle.

Commissioner Weithorn stated that she asked two years ago for the answers to two questions: 1) What projects will we not be funding if we do this? and 2) What precedent will be created if we do this on Lincoln Road? She stated that the answer is in the Capital Projects, but it is not in the details or the priority data that is on the package, and she does not have the financial precedent of what could happen block by block if this is done. They are only months away from the budget process and there are so many capital projects going on right now that we cannot start this, and she thinks this should be deferred.

Motion made by Vice-Mayor Wolfson; seconded by Commissioner Libbin; Voice vote: 5-2; Opposed: Commissioners Tobin and Weithorn.

City Clerk's Note: See Item C6C-14

Handout or Reference Materials:

1. Renderings of Lincoln Road Oval at the Intersection of Lincoln Road and Euclid Avenue by R+O Studio of Modern Architecture.

9:50:41 p.m.

C7S A Resolution Adopting The Five-Year (FY 2013-2017) Consolidated Plan For Federal Funds In Substantially The Attached Form; And Authorizing The City Manager To Execute All Applicable Documents And To Submit The Five-Year (FY 2013-2017) Consolidated Plan To The U.S. Department Of Housing And Urban Development (HUD).

(Real Estate, Housing & Community Development)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution 2013-28237 adopted. Motion made by Commissioner Góngora: seconded by Commissioner Exposito: Roll call: 4-3: Opposed: Vice-Mayor Wolfson and Commissioners Tobin and Weithorn. **Maria Ruiz to handle.**

Commissioner Tobin stated that he would be voting "no" on this item because he has been complaining for three or four years that things are not right on these SHIP, CDBG and HOME funding issues. He understands that the Feds were in the City looking over at documents in the Real Estate, Housing & Community Development, and there were attempts to change some documents. He will vote "no," as he has been doing lately on anything related with these issues or Miami Beach Community Development funding. He only pulled it to vote "no."

Motion made by Commissioner Góngora, seconded by Commissioner Exposito: Voice vote: 4-3: Opposed: Vice-Mayor Wolfson and Commissioners Tobin and Weithorn.

Vice-Mayor Wolfson and Commissioner Tobin requested a roll call.

Roll call by Rafael E. Granado, City Clerk: 4-3. Motion carries.

ADDENDUM AGENDA 1: ITEM MOVED TO THE REGULAR AGENDA AS ITEM R7K

A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Directing The City Manager To Use Any And All Reasonable Efforts To Obtain, During Negotiations Between The City And The Master Developer Selected By The City Pursuant To Request For Qualifications No. 22-11/12 For The Development Of The Miami Beach Convention District (The RFQ Or Project), A Labor Peace Requirement In The Project Development Agreement And/Or In The Ground Lease(s); And, Specifically, That For The Component(s) Of The Project Pertaining To The Operation And/Or Provision Of Hotel Services And/Or Hotel-Related Food And Beverage (F & B) Services For The Convention Center Hotel On City Property, The Master Developer (Or Its Hotel Operator) Be Required To Execute A Labor Peace Agreement (Or Agreements) With Any Labor Organization That Seeks To Represent The Hotel Services And/Or Hotel F & B Employees; Provided Further, However, That The Foregoing Direction To The Manager Is Not Intended To Mandate And/Or Otherwise Require A Labor Peace Requirement And/Or Labor Peace Agreement(s) As A Pre-Requisite Of The City's Approval Of Any Agreement(s) For The Convention Center RFQ Project.

(City Attorney's Office)

ACTION. Item moved to the Regular Agenda as Item R7K.

City Clerk's Note: See Item C6C-11

9:25:55 p.m.

ADDENDUM AGENDA 2: ADDENDUM AGENDA 3:

C7U Setting Of Public Hearing: Vacation Of Alleyway - 500 Alton Road

A Resolution Setting A Public Hearing To Consider Approving And Authorizing The Vacation Of A Portion Of An Alley Adjacent To Several Lots Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet (The Alley), In Favor Of South Beach Heights I, LLC, 500 Alton Road Ventures, LLC And 1220 Sixth, LLC (Collectively The Applicant), And Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City.

(Planning Department)

ACTION: Item separated for discussion by Mayor Bower. Resolution No. 2013-28238 adopted as amended. See Item C4A. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice vote: 7-0. First Reading of Resolution to occur at the July 17, 2013 Commission Meeting, with a second reading, Public Hearing anticipated for September 11, 2013. **Richard Lorber and Richard Saltrick to handle.**

AMENDMENTS:

Perform land survey by City's independent land surveyor Have first reading in July 2013.

Clerk's Note: This item requires two hearing. Second reading public hearing is anticipated in September 2013.

Russell Galbut, Esq., in answering Mayor Bower's questions, stated that this item cannot wait until September and suggested referring it to the Finance committee.

Mayor Bower agreed and stated that they will set the public hearing in July with a referral to the Finance and Citywide Projects Committee (Item referred via C4A). (See Clerk's Note above.)

Commissioner Tobin stated that the alley does not exist on the survey and Mr. Galbut explained that he did submit a survey to the City.

Motion made by Vice-Mayor Wolfson to continue the item to the next Commission Agenda and get a survey done in the interim. No second offered. Discussion held.

Richard Lorber, Acting Planning Director, explained that the land survey from the project was added to the Agenda for informational purposes only and it is not 100% accurate.

Mayor Bower stated that the City would provide an independent land survey between now and July 17. Eric Carpenter to handle.

Motion by Commissioner Libbin to approve the resolution with the inclusion of a land survey done by the City's independent land surveyor, and setting the public hearing in July 2013; seconded by Commissioner Exposito. Voice-vote: 7-0.

Clerk's Note: Related item C4A (Vacation of Alley) was referred via Consent Agenda vote.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

11:32:52 a.m.

R5A Sunset Harbour Residential Parking Requirements

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 130, "Off-Street Parking," Article II "District; Requirements," Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, 4 And 5," By Amending The Parking Requirements For Sunset Harbour Parking District No. 5 For Residential And Live-Work Type Uses; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. 10:45 a.m. Second Reading Public Hearing

(Requested by the Land Use & Development Committee)
(Legislative Tracking: Planning Department)
(First Reading on May 8, 2013)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3802 adopted**. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Wolfson; Ballot vote: 5-2; Opposed: Mayor Bower and Commissioner Libbin. Rafael E. Granado to transmit to Municode. **Richard Lorber to handle.**

Acting Planning Director Richard Lorber explained that this is the second reading of an Ordinance that reduces some parking requirements in the Sunset Harbour neighborhood, specifically for residential to encourage live-work and redevelopment of existing buildings in the neighborhood.

Discussion held regarding the pilot program with a sunset provision. Mayor Bower asked if this is a pilot program that sunsets. She thought they were amending the parking requirement and this item would have the same sunset as the other one.

Jimmy Morales, City Manager, explained that if this is part of Parking District No. 5, and if that sunsets, this item should sunset the same.

Jorge Gomez, Assistant City Manager, stated that when Sunset Harbour Parking District No. 5 was passed, there were many changes made, but it is part of the discussions that the public spoke about regarding lack of incentives about the residential-live-work spaces. Discussion continued regarding sun setting. Mr. Gomez explained that all the amendments have the same provision and they will be revisited after two years from the original adoption.

Jose Smith, City Attorney, explained that once the Ordinance is codified, it would be subject to what was done previously. **City Attorney's Office to handle.**

Motion made by Commissioner Weithorn; seconded by Vice-Mayor Wolfson; Roll call: 5-2; Opposed: Mayor Bower and Commissioner Libbin.

Commissioner Libbin explained that he is voting no because it has come to his attention that they will be asked later to do a parking study, and he thinks this should be done holistically.

Handouts and Reference Materials:

1. Ad in The Miami Herald - Ad # 781

12:13:58 p.m.

SUPPLEMENTAL AGENDA 1: Memorandum & Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 62, Entitled "Human Relations," By Amending Article III, Entitled "Domestic Partnerships," By Amending Section 62-128 To Add Section 62-128(d) To Provide Tax Equity To City Employees With Domestic Partners Enrolled In The City's Health And Dental Plans Who Currently Bear A Disproportionate Tax Burden Over That Of Their Married Counterparts. 12:00 p.m. Second Reading Public Hearing

(Requested by Commissioner Michael Góngora) (Legislative Tracking: Human Resources) (First Reading on May 8, 2013/Referred to FCWPC)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3803 adopted**. Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Libbin; Ballot vote: 7-0. Rafael E. Granado to transmit to Municode. **Sylvia Crespo-Tabak to handle.**

Commissioner Góngora explained that he sponsored this item some time back, to equalize the inequality that our domestic partners get when they receive their health insurance benefits by being taxed, and receiving less money than their counterparts do in married relations.

Elizabeth Schwartz, spoke in "proud support" of this Ordinance. Tax equity is an opportunity for the City to equalize an inequity that exists in the State and Federal Government. There are about 1,138 Federal benefits associated with marriage and approximately 500 State benefits associated with marriage. One of the benefits that domestic partners do not get is the ability to provide for their partners with respect to health insurance and not have those benefits taxed. Tax equity is a policy that Miami Beach can bring, it is easy to implement and it is inexpensive. She encourages the Commission to take this opportunity to fix an inequity; many municipalities and private businesses have taken this step. The City of Miami Beach has always been a leader in civil rights and justice for the LGBT community and it must do the same now.

Sherry Kaplan Roberts stated that although our Federal Government does not treat us all equally, the City of Miami Beach does, and she wants to thank the City for that.

Stratton Politzer, Deputy Director of Equality Florida, thanked the City Commission for bringing this Ordinance forward and supporting it. He thanked the City staff, with whom they have worked on this matter for over one year. This is an opportunity to create a new standard on tax equity policy, which they can take across the State. Florida is leading the country by having six of these policies passed this year, more than the rest of the country combined. We now have the best policy in Florida in Miami Beach. The Miami Beach City Commission sets and pioneers these policies and they ripple across the state. Ten minutes ago, Hillsborough County unanimously repealed its notorious ban on Gay Pride, which was passed in 2005. The City of Miami Beach is setting the bar higher for the rest of the State. When you look across Florida, nearly 100 pro-LGBT policies have been passed, and one of the things you will find in many of them is language created here in Miami Beach. We thank you for doing this.

Thomas Parker, Vice Chair of the Gay Business Enhancement Committee, thanked the Commission for putting this Ordinance on the plate. His Committee has worked hard on this, as well as Save Dade and Equality Florida; and the City's Legal team has worked tirelessly to make sure we get this right.

Maria Barth, Deputy Director of Save Dade, thanked the Commission. She understands the City's

frustration with the lack of Federal intervention. She reminded the Commissioners that in the absence of Federal support, residents look at local government for protection. Although times are changing, and the Federal Government will soon be there, they are not. Our equality movement is made up from what local government is doing. Without local government, we would not have domestic partnerships, domestic partnership benefits, and would not have a local movement. Local government's direct action empowers all likeminded individuals in our equality efforts. We look at Miami Beach to be leaders, and we ask that you do the right thing.

Christine Florez spoke stated that she is very proud to be a member of this progressive community that treats everyone the same. Everyone supports human rights, and that is what this Ordinance is about – equality.

Commissioner Weithorn complemented staff. She thanked Sylvia Crespo-Tabak, Director of Human Resources, for looking at the pension concerns that she had brought forth at the last meeting. Had she not brought it up, it could have potentially derailed something that was right. For the record, they brought her concerns to the Fire Union (IAFF) and they were more than willing to fix the potential problem; the Police Union (FOP) is working with the City to remedy the situation. She brought the issue last time because it could have derailed something that was correct. In the Commission's package there is a letter from the City's pension attorney and a written opinion, and she appreciates it. She thanked the City Manager for his efforts.

Commissioner Góngora added that he is very proud to be the sponsor, and he moved the item into legislation. He is so proud of so many members of the community; because it takes the entire community to bring this item forward. He thanked the Miami Beach Human Rights Committee, the LGBT Business Enhancement Committee, Save Dade, Equality Florida and the "fantastic City administration." This Commission is sending a message throughout the State of Florida and the entire country that Miami Beach believes in equality for all. Seconded by Commissioner Libbin.

7:09:51 p.m.

R5C Alton Road Historic District Buffer Overlay

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. 5:00 p.m. First & Only Reading Public Hearing

(Requested by Land Use & Development Committee) (Legislative Tracking: Planning Department)

ACTION. Title of the Ordinance read into the record. Public Hearing held. **Item referred to the Neighborhood/Community Affairs Committee and deferred to the October City Commission meeting.** Motion made by Commissioner Góngora to refer and to defer the item; seconded by Commissioner Exposito; Voice vote: 5-2; Opposed: Vice-Mayor Wolfson and Commissioner Libbin. Barbara Hawayek to place on committee agenda. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.**

REFERRALS:

Neighborhood/Community Affairs Committee

FINAL MOTION

Motion made by Commissioner Góngora to defer the item to the October Commission Meeting and refer to the Neighborhood/Community Affairs Committee; seconded by Commissioner Exposito, with the clarifications indicated by Commissioner Weithorn in providing more information regarding FAR and transfer information. Voice vote: 5-2; Opposed: Vice-Mayor Wolfson and Commissioner Libbin.

Richard Lorber, Acting Planning Director, stated that the proposed area runs from 16th to Collins Canal on the East side of Alton Road. This item is in keeping with the idea of making the Alton Road corridor more livable and pedestrian friendly, and it has to do with development regulations for those properties along the side of Alton Road. This goes back to five years ago, when there was a proposed development at the 900 block on a vacant lot that would have taken advantage of the development regulations as they are currently; to build a five-story with a 2.0 FAR building, and this proposal was objectionable to the residents in the Flamingo Park Historic District, which is characterized by low-scale, historic apartment buildings, especially along Lenox Avenue. There was a two-year process of community meetings, workshops and land use meetings, and the outcome was an Ordinance that would attempt to protect the historic district to the east of Alton Road, and set wider rear setbacks for those developments to 60 feet with two stories. Other refinements included addressing the massing of these buildings to avoid high buildings. One feature does remove an existing FAR bonus. Currently for the CD2 commercial corridor the FAR is 1.5 for commercial development; however, there is a 0.5 extra FAR for mixed-use development. The recommendation out of this Ordinance removes that bonus FAR and sets the 0.5 FAR. Other amendments include conditional use approvals for outdoor entertainment and dining, and design improvements. There seems to be a very strong support for this from the residents of the Flamingo Park neighborhood to the east.

Discussion held regarding item heard at the Planning Board, and Mayor Bower asked if this was zoning in progress. Mr. Lorber answered that this Ordinance has been "on hold" and went to Planning two years ago. Discussion continued.

Richard Lorber, Acting Department Director, corrected for the record, that there was a 5-0 vote on this Ordinance from the Planning Board, subsequently they brought it back and the vote was 3-2 to reconsider, but the final vote was 3-2 in favor.

Motion by Commissioner Libbin to open the public hearing.

The following individuals spoke:

Jimmy Resnick in opposition

Denis Russ in support, and on behalf of the Flamingo Park, Flamingo West Neighborhood Association, presented letters of support from MDPL

Ben Batchelder read letter from residents in support, including letter from Ms. Sandrine VanHeelberg

Carol Doug in opposition

Jeremy Glazer in support for development

Christine Florez, President of the West Avenue Corridor Neighborhood Association, in support Julie Robertson in support

Allison Potter in support

Marc Needle in support

Discussion held.

Mayor Bower stated that the issue is that there is a single family home on the other side, and the City's goal is to build compatible with existing homes; that is what they are trying to maximize. They do not want any shadows to fall in the existing homes.

Commissioner Libbin stated that the reasons for the delay with this Ordinance have been from objections from residents, through discussions at committees, and added that this has been discussed repeatedly. He thinks that staff has come up with a good compromise, and because Alton Road is a commercial district, they should be able to have 50 feet, but thinks the setback in the rear is important and he is agreeable with the staff's recommendation of 28 feet setback. The bonus FAR should be looked at down the road, and if there is a way to transfer at a future time, that is something to look at pursuant to City Charter.

Jimmy L. Morales, City Manager, added that anything involving moving FAR would require a referendum.

Jose Smith, City Attorney, clarified that increasing FAR requires a referendum, but transferring development rights violates the City Charter.

Commissioner Weithorn asked on the transfer of the FAR, if they take this away now, could this reinstate at some point. Mr. Lorber explained that this could be done.

Jose Smith, City Attorney, needs to review closely the Charter amendment from 1997 to ensure that it allows the replacement of the FAR if removed. **City Attorney's Office to handle.**

Commissioner Góngora asked if there is a current development that this Ordinance impacts or for upcoming future development. Mr. Lorber stated that it is prospective, but the proposed miniwarehouse would fit it. Discussion continued regarding the reason for this being a first-reading Ordinance.

Commissioner Weithorn stated that she is not ready to vote on this Ordinance unless she gets more answers.

Rochelle Malick spoke.

Discussion continued regarding voting on the issue.

Motion made by Commissioner Góngora to defer the item to the September meeting; seconded by Commissioner Exposito, with the clarifications indicated by Commissioner Weithorn of providing more information regarding FAR and transfer information. No vote taken.

Mayor Bower asked if they prefer deferring until December to have a study performed.

Vice-Mayor Wolfson stated that this issue has been discussed at this Commission several times and at committee more than once. He suggested taking a vote now.

Commissioner Weithorn suggested referring to committee to discuss the legal aspects and Commissioner Góngora agreed that the item be referred to Neighborhood/Community Affairs Committee.

Richard Lorber, Acting Planning Department Director, answered questions from the City Commission.

Discussion held regarding FAR.

Stefan Lecuyer is currently working on a project and they will be meeting with residents and have complied with the new rear setback regulations of 50 feet with five stories; pending the FAR.

Jorge Gomez, Assistant City Manager, stated that the zoning envelope has the right setbacks as proposed, and the FAR is the concern. Discussion continued.

Jose Smith, City Attorney, clarified that developers are not entitled to maximize their entire FAR; for example if the FAR is 2.0 and the Historic Preservation Board gives them 1.7, the City can defend that. Discussion held.

Commissioner Tobin agreed that there should be some step back in the rear to protect the single-family residences.

There was a question and answer period between Mark Needleman and Jose Smith, City Attorney.

Russell Galbut, Esq. suggested that neighbors and developers come together with the methodology to make everyone happy. Neighbors have real issues and are entitled to setbacks. Discussion held.

Jimmy Resnick stated that the Planning Board did not recommend this Ordinance and does not think that they have taken the development rights into consideration.

Commissioner Libbin suggested deferring the item until the October Commission Agenda.

FINAL MOTION

Motion made by Commissioner Góngora to defer the item to the October Commission Meeting and refer to the Neighborhood/Community Affairs Committee; seconded by Commissioner Exposito, with the clarifications indicated by Commissioner Weithorn of providing more information regarding FAR and transfer information. Voice vote: 5-2; Opposed: Vice-Mayor Wolfson and Commissioner Libbin.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald Ad # 781
- 2. Ad in the Miami Herald Notice of Amendment to the Land Development Regulations of The City of Miami Beach Code of Ordinance Notice To The Public.
- 3. Labels

8:35:15 p.m. 9:28: p.m.

R5D Alton Road Parking District No. 6

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 Off-Street Parking, Article II "Districts; Requirements," Section 130-31 "Parking Districts Established," Creating A New Parking District No. 6, And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, 4 And 5," By Adding New Parking Regulations For Parking District No. 6, For Properties With A Lot Line On Alton Road, From 5th Street To Dade Boulevard, Including A Reduction In Off-Street Parking Requirements For Certain Land Uses And Bicycle Parking Requirements; Providing For Codification; Repealer; Severability; And An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Requested by Vice-Mayor Jonah Wolfson) (Legislative Tracking: Planning Department) (First Reading on May 8, 2013)

ACTION: Motion to defer the item to the September Commission Agenda made by Commissioner Góngora; seconded by Commissioner Tobin; Voice-vote: 7-0. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.**

MOTION 1:

Vice-Mayor Wolfson made a motion to move the Ordinance with a one-year sunset; seconded by Commissioner Tobin. Roll call: 3-4. Motion failed.

MOTION 2:

Commissioner Góngora made a motion to reconsider the item; seconded by Commissioner Exposito; Voice-vote: 7-0.

MOTION 3:

Commissioner Góngora made a motion to defer the item to the September Commission Agenda; seconded by Commissioner Tobin; Voice-vote: 7-0. **Richard Lorber to handle.**

Mark Needle suggested item be deferred and explained the reasons.

Marc Weithorn, Chairperson of the Transportation and Parking Committee (TPC), stated that this issue was discussed at TPC committee, and a motion was passed requesting that a comprehensive traffic study be done. Transportation and road congestion are increasing; the County is reducing bus services and talking about eliminating the Circulator, the South Beach Local is overused and it needs to be revisited. The City is losing parking, CIP just redid Lake Pancoast, and parking has been lost. Same in North Beach. Hotel employees cannot afford to pay parking fees. County Mayor Gimenez made transportation a priority, and there will be a Countywide study on transportation. He thanked the City Manager for creating a Transportation Department in his staff, which was formerly buried in Public Works, and he appreciates that. He would like to see some vision from this body on this issue. They are requesting a holistic study of traffic in Miami Beach.

Discussion held.

Jeremy Glazer asked to defer the parking item to reach a compromise among all parties involved.

Emily Eisenhower suggested the possibility of covered spaces for bicycle racks. Mayor Bower requested to look at the possibility of spaces for bikes in existing garages. **Saul Frances to handle and report back to Commission.**

Tammy Tibbles stated that residents are impacted by the construction of Alton Road, and they are being told that they are losing 90 parking spaces, not including the side streets. Business owners are required to pay a parking fee if appropriate parking for businesses is not included. The actual parking demand is based, not on the space, but on the type of use. She asked that if the item is deferred, the study needs to include how to accommodate the loss of parking that they will be impacted by Alton Road, and how they can mitigate those losses through other means.

Mayor Bower asked Ms. Tibbles as to the petition requesting an all-day-resident sticker in the neighborhood adjacent to Española Way. Ms. Tibbles stated that neighbors find that people that work on Lincoln Road park their cars in the residential spaces. The neighbors got together to ask the Parking Department to make that one section a 24 hour per day residential sticker.

Aaron Sugarman stated that Mr. Frances spoke with a neighbor, but was not sure if they agreed to a 24-hour zone.

Commissioner Tobin stated that one of the reasons why they are doing this Ordinance is to avoid having businesses impacted by substantial parking impact fees.

Discussion continued regarding impact fees.

Christine Florez spoke and discussion was held regarding parking study.

Commissioner Tobin added that staff should be dedicated to bicycles and transportation.

Jimmy L. Morales, City Manager, stated that he is getting the direction that there is consensus from the Commission to do: 1) a parking study project, and 2) a comprehensive traffic study. He will bring back proposals for both. **City Manager's Office to handle.**

The following individuals spoke: Seth Wasserman, TPC member Dana Turken Bryan Payne Rusell Galbut, Esg.

Discussion held regarding vacating the alley. Mayor Bower stated that this project has moved quickly since the item was placed on the Agenda and the Commission is trying to help him, but his expectations are extremely high.

Discussion continued. Vice-Mayor Wolfson made a motion to move the Ordinance with a one-year sunset; seconded by Commissioner Tobin.

Rafael E. Granado, City Clerk, took a roll call.

Commissioner Libbin voted against the Ordinance and explained that he believes that a traffic study should be done before passing the item.

Commissioner Exposito voted against the Ordinance for the same reasons as Commissioner Libbin.

Mayor Bower and Commissioner Góngora voted no.

MOTION 1:

Vice-Mayor Wolfson made a motion to move the Ordinance with a one-year sunset; seconded by Commissioner Tobin. Roll call: 3-4. Motion fails.

Russell Galbut, Esq., asked one of the Commissioners to make a motion to defer the second reading after the study is done. Discussion held regarding protocol to reconsider the motion.

MOTION 2

Commissioner Góngora made a motion to reconsider the item; seconded by Commissioner Exposito; Voice-vote: 7-0.

MOTION 3:

Commissioner Góngora made a motion to defer the item to September; seconded by Commissioner Tobin; Voice-vote: 7-0. **Richard Lorber to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 781

11:57:32 a.m.

R5E

An Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections," By Including Reference To Applicable Statutory Provisions Of Florida Election Code; Correcting Typographical Errors; Amending City Code Section 38-4 To Provide For Commission Canvassing Of Election Returns On The First Business Day Immediately Following The County Supervisor Of Election's Issuance Of Final Election Returns And Confirming Authorization Of Emergency Commission Action Taken At Any Commission Meeting Occurring Between General Election Date And Acceptance Of Final Run-Off Election Returns; Amending City Code Section 38-6 By Establishing The Number Of Days For Early Voting Relative To City General, Run-Off And Special Elections Upon City Commission Authorization Of Early Voting, And Authorizing City Commission To Change Early Voting Schedule For Elections Not Held In Conjunction With County Or State Elections; And Creating City Code Section 38-7 Entitled "Petitions" Establishing Information To Be Provided By Petition Circulators And Persons Signing Initiative, Referendum And/Or Recall Petitions; Providing For Repealer, Severability, Codification, And An Effective Date.

First Reading

(Requested by Neighborhood/Community Affairs Committee)
(Legislative Tracking: City Attorney's Office)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with Item R7F. **Ordinance approved on first reading.** Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Vice-Mayor Wolfson. Second reading and Public Hearing scheduled for July 17, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **City Attorney's Office and Rafael E. Granado to handle.**

Jose Smith, City Attorney, stated that this is a proposed Ordinance, which is basically a housekeeping amendment to Chapter 38 of the City Code dealing with elections. They are conforming the Code to State law, County law, and also provisions regarding petitions, referendum to conform the City Code to current practices and procedures with respect to the Clerk's forms that have to do with initiative and referendums.

Motion made by Commissioner Góngora to approve the Ordinance; seconded by Commissioner Weithorn.

Vice-Mayor Wolfson asked the City Attorney for the highlights of what is being incorporated in the Code and its origin.

Jose Smith, City Attorney, explained that the Florida Legislature made certain changes in the law regarding Early Voting, and to the extent that Elections are not State or County Elections, they can provide procedures for a longer Early Voting period. In addition, a new codification will be added that Early Voting locations will be at City Hall and at the North Beach Library, which was not previously in the Code. They are also conforming the City Clerk's form with respect to initiatives and referendum to have certain requirements as to name, voter's registration number, etc. The form shall be in the Code. Early Voting is at the Commission's discretion, as far as length of time. Discussion continued.

Rafael E. Granado, City Clerk, clarified that for stand-alone elections, Early Voting lasts for two weeks under this proposal. The change to 14 days is on the General Election. For the Runoff it remains the same, which is two days.

Vice-Mayor Wolfson asked if this is prospective as far as petitions.

Rafael E. Granado, City Clerk, explained that petitions require name, address, date of birth or voter's registration number, but that is not codified in the City Code; the Code merely states that the petition form will be made available by the City Clerk. Currently, what is not in practice is having the circulator affirming that he/she saw the individuals sign the petition. Discussion continued regarding circulator notarization requirement.

Vice-Mayor Wolfson stated that there is a new requirement that requires the circulator to witness the petitions signature that have not been practiced before, and he wants to know if that came from State Law or from the Legal Department.

Jose Smith, City Attorney, stated that Legal drafted the language, but he is not sure if it is from State law or best practice decision, and added that the provision is prospective. Discussion continued.

Mayor Bower requested that between first and second reading the City Attorney is to bring answers to questions presented by Vice-Mayor Wolfson regarding what will be the changes to the Code and how this amendment to the Ordinance originated, including the witnessing of signatures by circulators. City Attorney's Office to handle.

Commissioner Tobin requested a legal opinion as to whether or not the petitions were required to have an attestation attached to them, and if in fact, a legal opinion can be obtained as to whether it can be retroactive. **City Attorney's Office to handle.**

Mayor Bower asked if the new changes can be made retroactive. City Attorney Jose Smith to research and bring back for second reading.

Discussion held continued.

Motion made by Commission Góngora; seconded by Commissioner Weithorn; Roll call: 6-1; Opposed: Vice-Mayor Wolfson.

Clerk's Note: See item R7F.

11:56:07 a.m.

R5F An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 1, Entitled "Generally," By Amending Section 2-22, Entitled "General Requirements," To Provide Procedures For The Filling Of Special Vacancies On The Board Of Adjustment, Planning Board, Design Review Board, And Historic Preservation Board; By Amending Section 2-24, Entitled "Termination Of Office Of Agency, Board And Committee Members," To Amend The Exception Provisions To Include Special Vacancies Filled Pursuant To Section 2-22 (21); And Providing For Repealer, Severability, Codification, And An Effective Date. First Reading

(Requested by Commissioner Deede Weithorn) (Legislative Tracking: City Attorney's Office)

ACTION: Title of the Ordinance read into the record. Item heard in conjunction with R7G. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Góngora; Ballot vote: 7-0. Second reading and Public Hearing scheduled for July 17, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **City Attorney's Office and Rafael E. Granado to handle.**

City Clerk's Note: See Items C6A (13) and R7G.

R7 - Resolutions

2:26:07 p.m.

SUPPLEMENTAL AGENDA 3: Memorandum

R7A1 A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. 10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development) (Continued from May 8, 2013) (Memorandum to be Submitted in Supplemental)

ACTION: Heard in conjunction with RDA Item 1A1. Public Hearing held. **Resolution No. 2013-28239 adopted as amended.** Motion made by Vice-Mayor Wolfson, seconded by Commissioner Weithorn; Voice-vote: 5-0; Absent: Commissioners Libbin and Tobin. **Max Sklar to handle.**

Amendment

Approve subject to condition prohibiting loud music

Raul Aguila, Deputy City Attorney, explained that the Resolution approves Amendment No. 3 of the lease, which is approving the rent abatement in concept, as previously discussed and approved at the Finance and Citywide Projects Committee. Additionally, there is an entertainment use proposed by this tenant, which requires approval pursuant to a public hearing, since under

the City Code, this is an entertainment use within the Convention Center District. In consideration of that use, he recommends including the types of uses the tenant is proposing. The prior tenant was proposing to divide the space into a lounge concept with loud music and a DJ. If this agreement is approved, it can be approved subject to conditions.

Discussion and a questions and answers period was held.

Eugene Alekseychenko, Management Manager, stated that they are not planning to have a nightclub or any kind of establishment with loud music. At times, he plans to have a live musician, a guitarist or a saxophonist, and perhaps some radio music, but not a DJ. He added that the space where the nightclub was going to be placed, is going to be used is for a beer brewery; the rest will become a bar and a restaurant with no space to dance.

Richard Lorber, Acting Planning Director, explained that entertainment is defined as any music that would interfere with normal conversation.

Discussion continued.

Jimmy L. Morales, City Manager, recommended that the approval be made subject to conditions.

In answering Commissioner Weithorn, Mr. Alekseychenko stated that the live music operating hours will go no later than 11:00 p.m. Commissioner Weithorn suggested they could operate until midnight on weekends, as it is South Beach.

Discussion continued.

Mayor Bower is concerned about noise pollution, and suggested that if that were the case, they would be responsible for remedying the situation.

Harold Rosen Esq. stated that the lounge is in a garage, and the only building next to it is the New World Symphony.

Raul Aguila, Chief Deputy Assistant City Attorney, stated that the proposed hours of operations are 11:00 a.m. to 1:00 a.m. for weekdays and 11:00 a.m. to 3:00 a.m. for weekdays, and added that the New World Symphony has given their approval.

Jose Smith, City Attorney, clarified that since the City is the landlord, the Lease can be drafted in a manner that if noise or complaints become a problem, they could be shut down.

Questions and answer periods ensued.

Motion by Commissioner Weithorn to open the Public Hearing; seconded by Vice-Mayor Wolfson. There being no speakers, the public hearing was closed.

Motion was made by Vice-Mayor Wolfson to approve the agreement as amended; seconded by Commissioner Weithorn; Voice vote: 5-0; Absent Commissioners Libbin and Tobin.

1:40:13 p.m.

SUPPLEMENTAL AGENDA 3: Memorandum

R7A2 A Resolution Approving The Transfer, As Such Term Is Defined In The Lease Agreement (The Lease) By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Of A 100% Controlling Ownership Interest In Penn 17, LLC From The Current Managers/Members, Amir Ben-Zion And Ramon Cherstvov (Transferors), To The Proposed Purchasers Of Penn 17, Roman Cherstvov And OBK Project LLC (Transferees); With Approval Of Such Transfer Subject To And Contingent Upon The Parties' Execution Of Amendment No. 3 To The Lease And, Further, Satisfaction By Transferees Of The Following Conditions (To Be Satisfied Prior To And As A Condition Of Lessor's Execution Of Amendment No. 3): 1) Payment 'Of Outstanding Rent For The Months Of May And June, 2013; 2) Satisfaction Of Any And All Liens Against The Leased Premises Including, Without Limitation, Liens And/Or Claims Filed By A & P Air Conditioning And Cors-Air; 3) Dismissal, With Prejudice, Of The Lawsuit Filed By A & P Against The City To Collect The A & P Lien; 4) Re-Payment Of The Remaining Balance Of Rent And CAM For November And December 2012, In The Amount Of \$120,519.98; 5) Replacement Of The Required \$50,000 Minimum Balance Into The Lessee Construction Fund; 6) Re-Location, At Transferees' Sole Cost, Of The Leased Premises A/C Units To The Roof Of The Pennsylvania Garage; And 7) Execution Of A General Unconditional Release In Favor Of The City And RDA; And Further Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or His Designee, To Negotiate And Execute An Agreement With Halloran Construction, Inc., In An Amount Not To Exceed \$250,000.00, To Address The Relocation Of The Kitchen Exhaust Venting System Installed By Penn 17, LLC. Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development)

ACTION: Heard in conjunction with RDA Item 1A2. Public Hearing held. **Resolution No. 2013-28240 adopted subject to the approval of Resolution No.1.** Motion made by Vice-Mayor Wolfson, seconded by Commissioner Weithorn; Voice-vote: 5-1; Opposed Commissioner Libbin; Absent: Commissioner Tobin. **Max Sklar to handle.**

RECOMMENDATIONS:

Approve resolution subject to tenant to:

- 1) Pay back rent owed from May and June 2013 next week;
- 2) Pay a minimum required Construction Deposit balance of \$50,000 into their Lessee Construction Fund under the Escrow agent;
- 3) Release the A&P Air Conditioning Lien and the posting of \$73,693 in Escrow to cover the payment of the lien;
- 4) Provide proof of payment to Cors-Air for \$3,001.92;
- 5) Pay for the relocation of the Air Conditioning units to the roof of the parking garage, and
- 6) Provide a contractor's Affidavit from Halloran that there are no other outstanding liens or claims.

Approval is subject to adoption of Resolution R7A1.

Max Sklar, Tourism and Cultural Department Director, explained that the Penn 17 agreement is currently in default for failing to pay the May rent, for not maintaining the premises open for business, and for not notifying the City of a transfer of interest in Penn 17 to Roman Cherstvov, subsequent to the lease execution. On May 17, staff provided a Letter of Intent and they have been negotiating with the new tenant as follows:

- 1) They will pay back rent owed from May and June 2013 due next week;
- 2) They will pay a minimum required Construction Deposit balance of \$50,000 into their Lessee

Construction Fund under the Escrow agent;

- 3) Release the A&P Air Conditioning Lien and the posting of \$73,693 in Escrow to cover the payment of the lien;
- 4) Proof of payment to Cors-Air for \$3,001.92;
- 5) Payment for the relocation of the Air Conditioning units to the roof of the parking garage, and
- 6) A contractor's Affidavit from Halloran that there are no other outstanding liens or claims.

He added that there was one item of misunderstanding regarding the back rent for November and December. During negotiation discussions, Mr. Levine stated they would agree to pay the outstanding amount, and City staff interpreted that to mean *pay immediately* as part of the transfer and settlement. Mr. Levine's interpretation was to pay as part of the prior agreed upon Amendment No. 3 scheduled of payments, which starts repayment of the November and December rent in January 2014, and goes for approximately 24 months, including outstanding repayment distributed deposit. Due to other financial commitments they have to open the business, what they can agree is to start payment of the back rent for November and December in October of this year in 64 payments, on top of the regular rent owed to the City. Additionally, if this Commission proceeds with this, staff recommends a waiver by 5/7 of the Formal Competitive Bidding requirements to authorize the City Manager to negotiate with Halloran Construction in a not-to-exceed \$250,000 to relocate the kitchen exhaust venting system that Penn 17 installed originally, to the Pennsylvania exit of the garage.

Raul Aguila, Chief Deputy City Attorney, explained that Resolution 2 is the first action, which is the approval of transfer in the controlling interest of current tenant Penn 17, from Amir Ben-Zion and Ramon Cherstvov to the new proposed tenants and owners of Penn 17, which continue to be Mr. Cherstvov and OBK Project, LLC. If this Commission approves this agreement, it is suggested that it is approved, subject to the conditions listed above by Max Sklar (See Recommendations).

Commissioner Libbin asked what due diligence and background has been done with this new partner, as far as business experience, bankruptcy, any litigation history.

Max Sklar, Tourism and Cultural Department Director, stated that there is no significant history because OBK is relatively a new business.

Olesia Y. Belchenko, OBK project representative, introduced one the principals to answer his questions.

Eugene Alekseychenko, Management Member, stated that he and his partner are involved in 15 food establishments, they own a restaurant in North Miami Beach, and it is a waterfront dining and full bar and full scale restaurant. His partner owns 12 restaurants in Russia, ranging from upscale to beer bars. They also manage food court establishments at Aventura Mall. They live in Miami full time and they have a certain vision to make this successful.

Discussion held regarding rent abatement.

Raul Aguila, Chief Deputy City Attorney, explained that in terms of what they are bringing to the table in order to be considered for approval of the controlling interest in the tenant, one of the things understood is that they were paying the rent for November and December, to be paid up front, as one of the conditions to approval of the transfer and execution of Amendment No. 3.

Discussion continued regarding rent abatement and the misunderstanding on the payment schedule.

Mayor Bower asked how this misunderstanding came about.

Max Sklar, Tourism and Cultural Department Director, explained that they had agreed to pay back, and staff interpreted that to mean "immediately"; however, they interpreted to mean "based on the prior or agreed upon payment schedule." Discussion continued. In answering Commissioner Libbin's question, Max Sklar, Tourism and Cultural Department Director, explained that OBK will pay May and June now, after approval and closing, and then November and December, which is approximately \$120,500. The amendment includes abatement from January through June, and deferral of June through December.

Commissioner Libbin discussed Guaranteed Maximum Contract and the relocation of the kitchen exhaust.

Max Sklar, Tourism and Cultural Department Director, explained that the City pays for the relocation of the vent system, and OBK will pay for the relocation of the AC unit.

Raul Aguila, Chief Deputy City Attorney, explained that the corrections to the ventilation system was something the City had agreed to previously do; the relocation of the AC system is something that they are agreeing to do whatever the cost is.

Commissioner Libbin expressed his concerns if payment is made within five or seven years, as restaurants do not last that many years at one location. He understands that the rent is high, but he is skeptical. He suggested considering an advanced scheduled. He also asked what collateral do the taxpayers have, and if there is some sort of protection that they can provide.

Raul Aguila, Chief Deputy City Attorney, added that during negotiations they would take over the lease under the same rent abatement and deferral scheduled previously approved by Amir. Discussion continued.

Rent abatement discussion continued and Max Sklar, Tourism and Cultural Department Director, stated that the total payment will be \$69,451.99 each month, including the monthly repayments of \$7,121.43 for over 24 months, and the annual CPI increases are also factored into the payments.

Jose Smith, City Attorney, clarified that the City is discounting the rent by 50% for six months. Discussion continued.

Eugene Alekseychenko, Management Manager, stated that their concept for a restaurant is for an upscale meat and seafood restaurant with a beer brewery inside, which is something different that Miami Beach does not have.

Motion made by Vice-Mayor Wolfson to approve resolution and discussion continued.

Commissioner Tobin thinks this is great space and they are getting \$180 per foot across the street, the rents are healthy for the right concept. He suggested doing a new lease rather than an amendment.

Jimmy L. Morales, City Manager, explained that one of the reasons they tried to do an amended lease is to make sure there are no brokerage fees. Discussion continued regarding payment schedule. He added that the choice is either terminate that lease and say goodbye to all previous monies and try to find another tenant, which can take time and cost, or make "lemonade out of lemons" with the group here and give them an opportunity.

Discussion continued.

Commissioner Exposito stated that Amir is in default, and asked if he had deposited any monies or if he had personal guarantees, and Mr. Aguila stated that they did not, the only thing is the \$120,000 of security deposit. Discussion continued regarding security deposit transfer.

Mayor Bower asked why not obtain the moneys owed to the City from the security deposit.

Raul Aguila, Chief Deputy City Attorney, explained that he is asking us to set aside the default and allow Penn 17 to continue as the existing tenant under the existing lease with new ownership. They are new owners but the tenant entity is still the same under the lease, and the City is not getting a security deposit from this entity. There is \$180,000 security deposit. Discussion continued regarding security deposits.

Jimmy L. Morales, City Manager, recommended paying the City out of the Escrow the November and December months, and in October and the next six months replenish the remainder. Discussion continued.

In answering Commissioner Exposito's question, Mr. Aguila explained that if there is no deal and premises are in default, the City takes the premises and is entitled to all furniture and fixtures.

Raul Aguila, Deputy City Attorney, stated that the motion is to approve RDA Resolution No.2, approving the transfer subject to the conditions in Resolution No.1, which include entertainment component, payment of monies and satisfaction of liens.

FINAL MOTION:

Motion made by Vice-Mayor Wolfson to approve the resolution, contingent on RDA Resolution No. 2; seconded by Commissioner Weithorn. Voice vote: 5-1; Opposed: Commissioner Libbin; Absent Commissioner Tobin.

12:25:30 p.m.

SUPPLEMENTAL AGENDA 1: Memorandum & Resolution

A Resolution Accepting The Recommendation Of The City Manager Pursuant To Invitation To Negotiate (ITN) No. 059-2013ME, And Approving All Material And Substantive Terms Of An Agreement Between The City And Aramark Sports And Entertainment Services, LLC. (Aramark) To Provide Professional Food And Beverage Facilities Management Services For The Miami Beach Convention Center, As Same Are Set Forth In The Term Sheet Attached As Exhibit "A" To This Resolution; Authorizing And Directing Aramark And The City Manager And City Attorney's Office To Finalize The Agreement, Based On The Approved Term Sheet; Further Authorizing Aramark And The City Manager And City Attorney's Office To Make Any Non-Substantive And Non-Material Revisions And/Or Additions To The Agreement, As Required, And Authorizing The Mayor And City Clerk To Execute The Final Agreement (Said Agreement Having An Initial Term Of Three (3) Years, Commencing On October 1, 2013 July 1, 2013, And Ending On September 30, 2016, With Two (2) One Year Renewal Terms, To Be Exercised At The City's Sole Option And Discretion).

(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2013-28241 adopted as corrected to reflect starting date of July 1, 2013. Motion made by Commissioner Góngora to approve the Invitation to Negotiate with Centerplate; seconded by Commissioner Weithorn; Voice-vote: 5-2; Opposed: Vice-Mayor

Wolfson and Commissioner Tobin. Max Sklar to handle.

Max Sklar, Tourism and Cultural Department Director, introduced the item.

Discussion held.

Commissioner Tobin asked exactly how the customer service score is obtained.

Max Sklar, Tourism and Cultural Department Director, explained.

Discussion held.

Commissioner Tobin stated that he would be more comfortable if there was a more precise way of surveying customer satisfaction. He explained that the current process is cumbersome. He will like to be able to have instantaneous feedback from the people on the floor.

Max Sklar, Tourism and Cultural Department Director, will look at customer service alternatives and report as to efficiencies and costs. **Max Sklar to handle.**

Discussion continued.

Commissioner Libbin asked Max Sklar to give a range for the last five years of the top to bottom sales and total revenues.

Max Sklar, Tourism and Cultural Department Director, stated that the range is \$4.6 million in gross to \$6.4 million in gross.

Discussion continued.

Motion No. 1:

Motion made by Vice-Mayor Wolfson to approve the City Manager's recommendation, Aramark. No second offered.

Discussion continued.

Raul Aguila, Deputy City Attorney, stated that the City did not disqualify Ovations, they were allowed to compete. Ovations was not shortlisted.

Discussion continued.

Tom Marchetto, Senior Vice President Strategic Marketing, spoke.

Stu Blumberg, Chairman of the Convention Center Advisory Board, spoke.

Bobby Sanchez from Aramark spoke.

Adrian Gonzalez, from David's Café, spoke.

Peter Luukko, Chairman of Global Spectrum, spoke.

Paul Taser, from Aramark, spoke.

Motion No. 1:

Motion made by Vice-Mayor Wolfson to approve the City Manager's recommendation, Aramark; seconded by Commissioner Tobin; Voice-vote: 2-5: Opposed: Mayor Bower and Commissioners Exposito, Góngora, Libbin and Weithorn. The motion failed.

Motion No. 2:

Motion by Commissioner Góngora to approve the Invitation to Negotiate with Centerplate; seconded by Commissioner Weithorn; Voice vote: 5-2; Opposed; Vice-Mayor Wolfson, and Commissioner Tobin.

City Clerk's Note: Title Corrected. Commencement date is July 1, 2013.

A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement And Approving An Agreement Between The City And Global Spectrum, LP (Global) For The Operation, Management, Maintenance, Promotion And Marketing Of The Miami Beach Convention Center And Colony Theatre, Based On Those Material And Substantive Terms And Conditions In The Term Sheet Attached As Exhibit "A" To This Resolution; Authorizing And Directing Global And The City Manager And City Attorney's Office To Finalize The Agreement Based On The Approved Term Sheet; Further Authorizing Global And The City Manager And City Attorney's Office To Make Any Non-Substantive And Non-Material Revisions And/Or Additions To The Agreement, As Required, And Authorizing The Mayor And City Clerk To Execute The Final Agreement (Said Agreement Having An Initial Term Of Three (3) Years, Commencing On October 1, 2013, And Ending On September 30, 2016, With Two (2) One Year Renewal Terms, To Be Exercised At The City's Sole Option And Discretion).

(Tourism, Culture & Economic Development Department)

ACTION: Item deferred to the July 17, 2013 Commission Agenda.

City Clerk's Note: See item C6C (12).

5:22:47 p.m.

SUPPLEMENTAL AGENDA 2: Draft Settlement Agreement

A Resolution Approving A Settlement Agreement Between Seville Acquisition, LLC, And The City Of Miami Beach, Concerning The Partial Demolition Of The Boardwalk And The Construction Of A Beachwalk Behind The Marriott Edition Hotel At 29th Street And Collins Avenue, And Authorizing The Mayor And City Clerk To Execute The Settlement Agreement, And Authorizing The City Manager And City Attorney To Take Such Actions As May Be Necessary To Carry Out The Intent Hereof.

(City Attorney's Office)

ACTION: Resolution No. 2013-28242 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-vote: 5-1. Opposed: Commissioner Góngora; Absent: Vice-Mayor Wolfson. City Attorney's Office and City Manager's Office to handle.

5:22:59 p.m.

Jose Smith, City Attorney, announced that the Attorney-Client Session regarding the controversy between the City of Miami Beach and The Seville has apparently been resolved, subject to Gary Held entering into the record certain conditions and restrictions.

Gary Held, First Assistant City Attorney, for the record, explained that the settlement agreement provides for the City to work with The Seville in pursuing alternate permitting for an elevated beachwalk to allow for increased views to the ocean and to explore with the Department of Environmental Protection alternate services to make it more jogger-friendly in the area between 29th and 30th Streets. The permit for the beachwalk as proposed will be issued upon execution of

the settlement agreement, which will allow for partial demolition of the boardwalk. The permits would be required to be obtained by December 1st and completion of the boardwalk as amended by March 31, 2014.

11:42:07 a.m.

SUPPLEMENTAL 1: Memorandum & Resolution

R7E A Resolution Consenting To The Appointment Of David D. Martinez As The Acting Director Of The Office Of Capital Improvement Projects For The City Of Miami Beach.

(Human Resources)

(1.10.11.0.11.11.0000)

ACTION: Resolution No. 2013-28243 adopted. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Exposito; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy Morales, City Manager, introduced David Martinez as the CIP Interim Director. He recognized Fernando Vazquez for the services rendered and welcomed David.

Vice-Mayor Wolfson asked if CIP is a Department that requires the Commission consent and Jose Smith, City Attorney, explained that all department directors require the consent of the Commission pursuant to the City Charter.

Handouts:

1. Oath of Office.

11:57:32 a.m.

R7F A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its May 20, 2013 Meeting Regarding Housekeeping Amendments To Chapter 38 Of The City Code Concerning Early Voting, Acceptance Of Run-Off Election Returns, And Petitions.

(City Attorney's Office)

ACTION: Resolution No. 2013-28244 adopted. Item heard in conjunction with R5E. Motion made by Commissioner Weithorn, seconded by Commissioner Libbin; Voice-vote: 7-0. **City Attorney's Office to handle.**

City Clerk's Note: See Item R5E.

11:56:07 a.m.

R7G A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its April 29, 2013 Meeting To Consider An Ordinance Addressing Unexpected Vacancies On The City's Land Use Boards, And Including Notice And Waiting Period Provisions For The Filling Of Such Vacancies.

(Requested by Commissioner Deede Weithorn) (Legislative Tracking: City Clerk's Office)

ACTION: Resolution No. 2013-28245 adopted. Item heard in conjunction with Item R5F. Motion made by Commissioner Góngora, seconded by Commissioner Weithorn; Voice-vote: 7-0. City Attorney's Office to handle.

Clerk' Note: See Items C6A (13) and R7G.

11:39:48 a.m.

ADDENDUM AGENDA 1:

R7H A Resolution Consenting To And Confirming The Appointment Of John E. Woodruff As The Director Of The Office Of Budget And Performance Improvement For The City Of Miami Beach. (Human Resources)

ACTION: Resolution No. 2013-28246 adopted. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Góngora to confirm appointment; Voice-vote: 7-0. Sylvia Crespo-Tabak to handle.

Jimmy L. Morales, City Manager, introduced John Woodruff, new Budget Director. He explained that in accordance to the Charter, department directors must be approved by City Commission. He stated that John is someone who comes from Pinellas County where he was the Budget Director and prior to that worked in the City of San Antonio. He was highly recommended.

Mayor Bower welcomed him to the City.

Handouts and Reference Materials:

1. Oath of Office signed June 24, 2013

09:54:05 p.m.

ADDENDUM AGENDA 1:

R7I A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flamingo Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City.

(City Attorney's Office)

ACTION: Item referred back to the Neighborhood/Community Affairs Committee. Motion made by Vice-Mayor Wolfson; seconded by Commissioner Weithorn; Voice-vote: 6-0; Abstained: Commissioner Góngora. Barbara Hawayek to place on the committee agenda. **Kevin Smith to handle.**

REFERRAL:

Neighborhood/Community Affairs Committee

Jose Smith, City Attorney, disclosed a conflict of interest, and recused himself.

Commissioner Góngora explained that he was informed by the City Attorney's Office that they were notified by Abel Holtz that Mr. Holtz was previously represented by Commissioner Góngora's law firm and further that he is the president of a condominium association also represented by Commissioner Góngora's law firm, and therefore Commissioner Góngora abstained.

Raul Aguila, Chief Deputy City Attorney, explained that the proposal traveled through Neighborhood/Community Affair Committee, and they proposed that the City facility be named Flamingo Park Holtz Tennis Center, pursuant to pre-existing agreements from 1993, 1995 and 2000 (See Page 25 of the Addendum Agenda). In 1983, the Commission approved a contract with Capital Bank, which in exchange for the agreement, constructed and funded the old tennis stadium. The City agreed to name the stadium The Abel Holtz Stadium in perpetuity, and the

overall tennis center in Flamingo Park, the Capital Bank Tennis Center. He explained that the 1983 agreement stated that the name could not be changed without the consent of Capital Bank, and if the City at any time changed the character of the improvements to other than a tennis stadium, it had to get Capital Bank's approval. In 1995, there was a request by former Mayor Gelber to change the name of the facility to "The Holtz Stadium," which occurred in 1995. Capital Bank consented to the name change. In 2000, in anticipation to the tennis center demolition, there was an agreement entered between Mr. Holtz and the City Manager, recognizing prior agreements, and that the new tennis stadium be named in perpetuity after Abel Holtz. The City needed Capital Bank's consent. He clarified for the record, that the 2000 agreement was not ratified by the City Commission and there was no Capital Bank at that time, as it had been sold to Union Planters and then to Regions Bank. In 2000, the City believed in good faith that the only party of interest was Abel Holtz and the Holtz family. Currently the proposed name of the stadium is "The Flamingo Park Holtz Tennis Center." The issue is 1) accept the recommendation of Neighborhood/Community Affairs Committee not to approve changing the name, and keep the name Flamingo Park Holtz Tennis Center; or 2) take an alternate action back to committee to consider other names.

The following individuals spoke:
Gail Durham, member of Tennis Advisory Committee
Rochelle Malik
Rebecca Boyce
Arthur Boyle
Dana Turken
Ahmad Lee Khamsi
Christine Florez
Stephen Zackler
Aaron Sugarman
Rosemarie Ravanaugh
Tammy Tibbles
Cliff Shulman
Terry Jonas
Abel Holtz

Commissioner Tobin will vote for naming the facility Holtz, and he explained his rationale has to do with the 1983 agreement, where Abel Holtz funded the construction of the stadium.

Commissioner Libbin stated that the fact is that they are tied together one way or another. He thinks the City has a moral obligation to continue to honor the commitment made by prior Mayor Gelber.

Vice-Mayor Wolfson stated that legally there is no requirement to keep the name. The Ordinance has some legislative history to it that prohibits someone from naming something after an individual with a conviction, and there is a reason for that. He does not think is right to keep the name, although he recognized the Holtz family for all their contributions to the community. He added that morally it is a requirement for the Commission not to keep the name.

Raul Aguila, Chief Deputy City Attorney, stated that they are not naming the Tennis Center after Abel Holtz. In writing the Commission Memorandum, he conceded that he would have drafted the agreement differently today, but the naming Ordinance is something that this Commission and previous Commissions have struggled with. There are certain names that subsequent Commissions have been "stuck" with, such as the Bass Museum, the Fillmore at the Jackie Gleason Theater, and the Miami City Ballet. In 1983, Capital Bank provided funds to construct

the Tennis Stadium and the City accepted that, based on the condition to name the Stadium in perpetuity. It may have been done differently today and this Commission can take the appropriate actions.

Discussion held.

Aaron Sugarman stated that in 1994, for the record, the City Attorney wrote that continued research had uncovered serious questions about the power or ability of a City to enter into contracts that limit the City's absolute sovereignty over public property, particularly parks. Such a contract, particularly on the issue of perpetuity could be void, and may be necessary as a matter of law and public policy for the City to disclaim the contract and reassume its authority of City's inherent solemn power. This Commission has the power to demolish or change the name of a facility.

Discussion continued.

Commissioner Weithorn stated that her entire life she knew this as The Flamingo Park Tennis Center, and as long she remembers; she cannot rename the Center of a brand new building paid for out of taxpayer money with someone else's name.

Discussion continued.

Motion made by Vice-Mayor Wolfson to name the center The Flamingo Park Tennis Center; seconded by Commissioner Weithorn. No voice vote.

Raul Aguila, Chief Deputy City Attorney, explained that the process for transparency is to refer the item back to Neighborhood/Community Affairs Committee, and at committee a majority vote is needed, then it comes to the Commission for public hearing, and then it goes to referendum.

Discussion continued regarding renaming facilities and the referendum requirement.

Raul Aguila, Chief Deputy City Attorney, explained that for example, when the Bayshore Gulf Club was renamed the Miami Beach Golf Club, an amendment to the naming Ordinance was created, and the referendum requirements for naming public facilities shall not apply where any City-owned facility, not already named for an individual or individuals, is to be named or renamed to include the name of the City and the function of the facility, or the current name of the facility.

Discussion continued. Commissioner Tobin agreed that the item be referred to the Neighborhood/Community Affairs Committee.

Vice-Mayor Wolfson made a motion to reject naming the facility the Abel Holtz Tennis Center; seconded by Commissioner Weithorn; Voice-vote: 3-3; Abstained: Commissioner Góngora; Opposed: Commissioners Exposito, Libbin and Tobin. Motion failed.

Commissioner Exposito stated that he will vote to keep the name.

Motion made by Vice-Mayor Wolfson; seconded by Commissioner Exposito to refer item back to Neighborhood/Community Affairs Committee. Voice-vote: 6-0; Abstained: Commissioner Góngora.

Handouts and Reference Materials:

1. E-mail from Nancy Liebman dated June 5, 2013 RE: Interview with Former Mayor Gelber.

- 2. Form 8B Commissioner Góngora (See Clerk's File Ref #97)
- 3. Photographs of Examples of Signage Following the Approval of the 1983 Agreement "Attachment B"
- 4. City of Miami Beach Memorandum to Roger Carlton, City Manager, from Seymour Gelber, Mayor dated March 23, 1995, RE: Abel Holtz Stadium
- 5. Speakers list
- 6. Email from Nancy Liebman dated May 30, 2013 RE: Letter to City Manager Jimmy Morales.
- 7. Supplemental Abstention & Disclosure Requirement from Jose Smith, City Attorney.

2:38:31 p.m.

ADDENDUM AGENDA 2:

SUPPLEMENTAL AGENDA 3: Resolution

A Resolution Approving And Authorizing The City Manager Or His Designee To Submit An Application To The US Department Of Justice For The Fiscal Year 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, For Funding In The Approximate Amount Of \$61,000 For The City's Police Department Priorities; Appropriating The Grant, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Application, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To This Grant.

(Budget & Performance Improvement)

ACTION: Resolution No. 2013-28247 adopted. Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 5-2; Absent: Commissioners Libbin and Tobin. Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

Judy Hoanshelt, Grants Manager, introduced the item and explained that the grant for submittal is from the Department of Justice for law enforcement projects and drug prevention programs, and offers an opportunity for public comment. There is also a website available for feedback.

Kathie G. Brooks, Assistant City Manager, added that this item is usually on the Consent Agenda; however, it was placed on the Regular Agenda because the grant requires the City to provide the opportunity for public comment. Being no public comment, the item was approved.

2:42:52 p.m.

Item C7T was moved to R7K

ADDENDUM AGENDA 1: ITEM MOVED TO THE REGULAR AGENDA AS ITEM R7K

A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Directing The City Manager To Use Any And All Reasonable Efforts To Obtain, During Negotiations Between The City And The Master Developer Selected By The City Pursuant To Request For Qualifications No. 22-11/12 For The Development Of The Miami Beach Convention District (The RFQ Or Project), A Labor Peace Requirement In The Project Development Agreement And/Or In The Ground Lease(s); And, Specifically, That For The Component(s) Of The Project Pertaining To The Operation And/Or Provision Of Hotel Services And/Or Hotel-Related Food And Beverage (F & B) Services For The Convention Center Hotel On City Property, The Master Developer (Or Its Hotel Operator) Be Required To Execute A Labor Peace Agreement (Or Agreements) With Any Labor Organization That Seeks To Represent The Hotel Services And/Or Hotel F & B Employees; Provided Further, However, That The Foregoing Direction To The Manager Is Not Intended To Mandate And/Or Otherwise Require A Labor Peace Requirement And/Or Labor Peace Agreement(s) As A Pre-Requisite Of The City's Approval Of Any Agreement(s) For The Convention Center RFQ Project.

(City Attorney's Office)

ACTION. The original Item, C7K, was moved to the Regular Agenda as Item R7K. Motion made by Commissioner Exposito to refer item to the Finance and Citywide Projects Committee; seconded by Vice-Mayor Wolfson; Voice vote; 7-0. Patricia Walker to place on the committee agenda. **City Attorney's Office to handle.**

REFERRAL AND RECOMMENDATIONS:

To Finance & Citywide Projects Committee to further discuss and analyze costs. Obtain an in depth financial analysis of the financial impact to the community. Provide a presentation and a thought-out approach, with in-depth analysis

Raul Aguila, Deputy City Attorney, explained that the item had originated out of the Finance and Citywide Projects Committee, and as a request from Unite Here, which is a labor organization who submitted a proposed draft of an Ordinance requiring the City to have a labor peace requirement on any hotel and food and beverage operations within the Convention Center district. He explained the requirements of the Labor Peace Agreement.

Discussion held.

Commissioner Tobin stated that this type of agreement is a terrible thing to do, and construction workers have to join unions. He asked how many hotels in the City are union shops, and stated that before voting, they should understand what it is that they are voting on. He suggested a presentation and thought-out approach, with in-depth analysis before voting, as there may be a public backlash to this. **Raul Aguila to handle.**

Raul Aguila, Chief Deputy City Attorney, explained that the drafted resolution would not apply to construction, only once the hotel was constructed it would apply to the services, and those will not be impacted. This has a cost to the City, which will be reflected in the negotiations. He met with Unite Here, and the resolution would require provision of services for hotel and restaurant personnel. Discussion continued. He added that it does not prevent strikes, but it is meant to deter strikes.

Motion made by Commissioner Exposito to approve the resolution; seconded by Vice-Mayor Wolfson. No vote taken.

Jay Mehta, Unite Here, thanked the Administration and the City Commission, and stated that this has nothing to do with construction or with any services outside of hotel food and beverage operations. This is not about whether or not to be in the Union, but about setting a fair process if workers want. The Labor Peace only prohibits them from creating any economic activity, or any uncertainties that could potentially affect the revenue of the City concerning the operation of the hotel. Dozens of other municipalities across the country have adopted the agreement. Discussion held.

Mayor Bower is in favor of worker's rights, but asked what would be the process if this resolution passes, and asked what it is that they are getting out of it. She further asked why they need the City Commission's approval if they will organize anyhow.

Mr. Mehta explained that a labor peace agreement allows both sides to make amicable terms and come to agreements where you understand the parameters that the Unions allow. Both Convention Center vendors (Tishman and Portman) have signed Labor Peace Agreements in the past. The vendors will not do it without the City's request, and it may lead to potential problems to the City if this is not done.

Discussion held.

Raul Aguila, Chief Deputy City Attorney, clarified that the foregoing direction to the Manager is not intended to mandate and otherwise require a Labor Peace requirement and/or Labor Peace Agreement as a pre-requisite of the City's approval of any agreements for the Convention Center RFQ. Discussion continued.

Commissioner Exposito withdrew his motion and referred the item to the Finance and Citywide Project Committee for further discussion and analysis as to the cost. The last thing he wants is any concerns or implications that this is being done for political reasons. His motion is to refer back to committee, clarify the issues and bring back to Commission.

Jay Mehta spoke and discussion continued.

Raul Aguila, Chief Deputy City Attorney, explained that there is a cost to the agreement.

Mayor Bower asked her Chief of Staff to make an appointment for her to meet with Mr. Mehta. Discussion continued. **Gabrielle Redfern to handle.**

Commissioner Tobin requested to hear from people from the other side of the argument, and requested an appointment with Mr. Mehta. City Attorney's Office to handle.

City Clerk's Note: See Item C6C-11

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(City Clerk's Office)

ACTION: The following appointments were made:

BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE:

Colby Reese Term ending 12/31/13 Appointed by Commissioner Góngora TL 12/31/20

COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH:

John Aleman Rep. of PTA for North Beach Elementary School 6/31/14

Christy Farhat Rep. of PTA for South Pointe Elementary 6/13/14

Rebeka Cohen Rep. of PTA for Nautilus Elementary School 6/31/14

Tiffany Heckler Term ending 12/31/14 Appointed by Commissioner Góngora TL 12/31/18

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE:

Michael Bernstein Removed due to absences.

GAY, LESBIAN, BISEXUAL AND TRANSGENDER COMMITTEE (GLBT)

Ivan Cano Resigned 05/31/13

HISPANIC AFFAIRS COMMITTEE:

Ivan Cano Term ending 12/31/14 Appointed by Commissioner Libbin TL 12/31/20

Ida Percal Resigned 05/31/13

MARINE AUTHORITY:

Addison Sammet Term ending 12/31/14 Appointed by Commissioner Góngora TL 12/31/20

Transportation and Parking Committee:

Jo Asmundsson Rep. for MBCDC 12/31/13

Al Feola Rep. for Ocean Drive Association 12/31/13

R9A1 Board And Committee Appointments - City Commission Appointments.

(City Clerk's Office)

ACTION: No appointments made.

Handout or Reference Materials:

1. City Commission At-Large Nominations for Wednesday, June 5, 2013, Release #1.

2:41:20 p.m.

R9A2 Reappoint Mitchell Kaplan As One Of The City's Representatives To The Adrienne Arsht Center For The Performing Trust.

(Requested by Mayor Matti Herrera Bower)

ACTION: Reappointed by acclamation. **Rafael E. Granado to handle.**

Handouts and Reference Materials:

1. Letter from Mike Edison, Chairman, PACT Board of Directors (Adrienne Arsht Center for the Performing Arts of Miami-Dade County), dated May 14, 2013, RE: Reappointment of Mitch Kaplan to the Performing Arts Center Trust.

1:27:15 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

ACTION: The following individuals spoke:

 Alberto Machado spoke about discrimination and corruption in City Hall. He also spoke on the Miami-Dade County bus issue and the behavior of the County bus drivers. He also spoke on money disappearing from Miami-Dade County. Mr. Machado further spoke about oil drilling in the Everglades and a possible oil spill. He stated that the City staff person that was to accompany him to Miami-Dade County did not do so.

Mayor Bower asked him to speak to the City Manager to send somebody with him. City Manager's Office to handle.

2. David Wallack asked for a City wrap-up meeting of the Memorial Day Weekend activity, as there was no meeting scheduled. This year's Memorial Weekend was a financial disaster. People stayed opened out of fear of being accused of racism.

Max Sklar stated that the wrap-up report is usually done in writing.

David Wallack asked the City Commission to open their minds to a new fresh look for this weekend and expand the music concept to include more variety.

Mayor Bower stated that the City does not do anything for this weekend. She suggested the industry get together and make the changes.

David Wallack stated that the City officials need to take the leadership on this.

Commissioner Libbin stated that the City will be open if a project came forth. Discussion continued.

9:32:27 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: The following individuals spoke:

- 1. Alberto Machado stated that he is a United States citizen and is proud to be one. He has been harassed for speaking Spanish and gave a comical analogy of a monkey and a lion. He stated, as in prior meetings, that the bicycle racks in front of CVS are dangerous. Mayor Bower explained that staff is handling. He complained about County buses being late between one and another and the bus drives being discourteous. The tourists are not treated right because County buses stop running at night and then the tourists have to rely on taxis. Public Works to handle relocating the bicycle racks.
- 2. Eric Stevens stated that last summer a signature petition was presented to the City Commission for the approval of medicinal cannabis, and subsequently they drafted a

Resolution. In the meantime, the City had issues with corruption and payoffs, and they did not want to push the issue. Now they want to bring back the petition; they have gathered over 8,000 to 9,000 signatures from residents, and he asked the City Commission if a straw ballot question in November can be placed on the issue. He explained that medical cannabis has been passed in 18 states and users that travel to Florida are afraid to be arrested for bringing their medicine with them.

ACTION:

Refer the issue of medical marijuana to the Neighborhood/Community Affairs Committee. Notify homeowner's associations and the PTAs.

Discussion held.

Commissioner Tobin explained that Mr. Stevens is asking for a straw ballot to see how the Miami Beach residents feel about whether the State Legislature can pass a law related to medical marijuana. Discussion continued.

Motion made by Commissioner Tobin to approve the straw ballot; seconded by Commissioner Góngora; no vote taken and discussion continued.

Jose Smith, City Attorney, explained that he has worked with an attorney representing their organization, and they had reached consensus on a resolution similar to what South Miami did; it was to travel to their Board, and then come back to the City, but they never heard back from them.

Mr. Steven clarified that he is only asking for a straw ballot now. Discussion continued.

Commissioner Tobin explained that he has no problem with a straw ballot, it is just whether to ask the Legislature to consider medical marijuana.

Mayor Bower, for the record, stated that to bring this issue at Sutnick Hour, where they had to take this out of context is not right, and they should learn from mistakes and not continue to repeat them over and over again. Additionally, she requested that the schools representatives be notified to attend discussions when considering the issue.

Commissioner Tobin withdrew his motion.

Motion made by Commissioner Tobin; seconded by Vice-Mayor Wolfson to refer the issue of medical marijuana to the Neighborhood/Community Affairs Committee, with the condition to notify the homeowner's associations and the PTA's; Voice-vote: 6-0; Absent: Commissioner Exposito. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

RECOMMENDATIONS:

- A referral to the Neighborhood/Community Affairs Committee (NCAC) the issue of placing a straw ballot regarding medical marijuana.
- Notify the homeowner's associations and the PTAs at the schools of this issue, when discussed at Neighborhood/Community Affairs Committee.
- 3. Vice-Mayor Wolfson stated that former Mayor Dermer's son tried to use the batting cages and was told the fields were closed, and there seems to be a battle to utilize the fields. He thinks the Parks are to be used during the day.

Jimmy L. Morales, City Manager, stated that due to issues that have come up in the Parks and Recreation Department the facilities must be locked up, but they will come up with a good policy. The focus should be that these facilities be generally available for young people and adults.

11:46:35 a.m.

SUPPLEMENTAL AGENDA 3: Memorandum

R9C Update On The Miami Beach Convention Center Project.

(City Manager's Office)

(Memorandum)

(Report to be Submitted in Supplemental)

ACTION: Report given by Jimmy L. Morales, City Manager.

Jimmy L. Morales, City Manager, circulated yesterday a written report to the Commission, and basically, they are now at the "due diligence phase" where they are soliciting additional information from the expert consultants retained. They have also reached out to the City's committees that have competence in the area, and this will culminate in meetings in July for this Commission to make decisions. He added that on June 18 there is a special meeting of the Convention Center Advisory Board for comments, and June 25 there is a special meeting of the Planning Board. Earlier this week, there was a special meeting of the Quality Education Committee to give more thoughts on how it would affect Miami Beach High School and the traffic. During the early weeks in July there were individual scheduled briefings, and on July 8 there will be a special meeting of the Land Use and Development Committee at 5:00 p.m., to focus on the reviews of the Master Plans and City staff recommendation on the program elements. It is their intention to bring this Commission a staff recommendation on the appropriate program elements for consideration at that meeting. On July 12 there will be a Special Called Meeting of the City Commission at 1:00 p.m., to review staff recommendation on the team selection, as well as the program to review the various consultant reports; short closing presentations by the two development teams and public comment. Approximately, at 6:00 p.m. on July 17, they will have the final discussion and vote. The Administration will be receiving reports during the month of June on the corporate and financial background on the two teams, real estate expert analysis of the lease terms, and an MBCC consultant to assess the operational elements of the proposed centers, including the construction phasing. Internally, Planning and Public Works staff will be reviewing the traffic analysis and the comments from the Quality Education Committee. They were going to try to get a constructability expert, but it was clear that over \$100,000 cost for that was really not justified, but it was unlikely, given the schematic drawings they have at this point, they were not going to be able to give us much to select between the two teams. Their role will come once we select a team and have documents and preparing construction plans and budgets. Additionally, they reached out locally to people in the community, on a pro-bono basis, to people that have no ties to the project, and Jim Corey and Jose Gonzalez have agreed to give Administration their perspective on the development fees, and construction schedules. Consultants SAG and Jeff Sachs who have been involved in over a hundred major deals in convention deals across the country, and our financial advisor and outside counsel all working through this month to culminate in the recommendations they will make at the beginning of July. During this month, the First Floor Conference Room will still have the models so the public can come in. They are providing cards if people want to make comments, and as they have been doing for months now, people can make comments online as well. Regarding comments and process, his commitment to the City Commission is to continue for the process to be transparent and open, and it will be fair. Staff is approaching this objectively. It is a hard process. Two

outstanding teams have made outstanding proposals, but one of them has to be selected.

Commissioner Tobin stated that before a selection is made, he would encourage the Administration to get through some of the half a dozen critical deal points that come up in these types of deals, and find an expert that works with these contracts on a regular basis.

Jimmy L. Morales, City Manager, explained that the development team and the City Attorney's Office will often reach out to experts in that area, and they will make sure that from every angle, finance, development and legal, they are going to get the best advice they can and put some structure in this project, not only up to the selection, but certainly thereafter as well.

Jose Smith, City Attorney, assured the Commission that they will not be out lawyered and they will get the top talent in the legal industry.

Discussion held regarding negotiations, Letter of Intent, waiver and leases.

Jimmy L. Morales, City Manager, added that they are in the process of discussions with both teams to obtain from San Diego, where both teams were finalists, upfront waivers before decisions were made of no litigation, no claims to be made through the process, and this was successful in San Diego to do that and it is their intention to do the same here.

Commissioner Tobin expects five or six specific deal points that have already been negotiated, before they select the LOI's. **Administration to handle.**

R9D Discuss A Resolution Requiring The Two Short Listed Proposer Firms Being Disqualified If They Do Not Submit The Required Affidavits On Or Before May 1, 2013, For The Convention Center RFQ.

(Requested by Vice-Mayor Jonah Wolfson) (Not Reached on May 8, 2013)

ACTION: Item deferred.

R9E Discuss Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida And/Or A Referral To The Land Use And Development Committee To Discuss Said Section 74-1.

(Requested by Vice-Mayor Jonah Wolfson) (Not Reached on May 8, 2013)

ACTION: Not reached.

R9F Discussion Regarding The Protocol Of Items The Commission May Entertain During Sutnick Hour.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Not reached.

5:25:33 p.m.

ADDENDUM AGENDA 1:

R9G Discussion Regarding The FDOT Alton Road Project And The Alton Road Reconstruction Coalition (AARC).

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Motion made by Commissioner Góngora to have a technical meeting of staff and FDOT, and the three individuals representing the residents, to find out how the project can be improved. The three individuals representing the residents are Mathew Lambert, of Duany Plater-Zyberk & Company, Jason King of Dover, Kohl & Partners and Tammy Tibbles.

MOTION:

Commissioner Góngora moved to:

- Schedule a technical meeting with Jimmy L. Morales, City Manager, residents representatives Mathew Lambert, Jason King, Tammy Tibbles, and FDOT within one week (by next Wednesday), to see how the design of Alton Road can be improved.
- Notify State Legislature the will of the Commission in trying to improve the design for residents.
- Report to Commission issues discussed and agreed upon at the technical meeting of the Land Use and Development Committee meeting of June 12.

Motion seconded by Commissioner Exposito; Voice-vote: 7-0.

Jimmy L. Morales, City Manager, introduced the item.

Eric Carpenter, Public Works Director, stated that he heard concerns from the constituents on this project, Ms. Tibbles sent him additional information and he reviewed all the After Actions on this subject from 2008. There have been 20 involvement meetings on this project. He has discussed this with individuals in FDOT, and basically today there is a project which is under contract, under construction, with a number of things of concern from the community, such as the speed limit being 40 mph, which will be reduced to 35 mph between 5th Street and Dade, and 25 mph between Dade and Michigan, as it is today. What they worked out with FDOT is to relocate the bicycle lanes, the sign, and differentiate bicycle lanes from Alton Road to West Avenue; the City will pick up the cost of those constructive improvements. They suggest moving forward with construction, and not losing this project. FDOT is under contract, and to break the contract now would create significant legal issues, and this is part of a previously agreed upon locally preferred alternative. His recommendation is to stay the course, let FDOT do what they are already doing, and honor the commitment made a year ago this time.

Discussion held.

Gus Pego, Secretary of FDOT, spoke. Tammy Tibbles gave a PowerPoint presentation. Harold Desdunes, Director of Transportation Development from FDOT, spoke

Discussion held.

Denis Russ spoke. Adam Shedroff spoke. Paul Jonas spoke Enrique Tamayo, FDOT, spoke. Unknown speaker spoke. Kent Benensky spoke Mathew Lambert spoke. David Crystal spoke. Emily Eisenhower spoke. Jimmy Resnick spoke. Ben Bachelor spoke.

Marc Weithorn, Chair of the Transportation Parking Committee, spoke.

Mark Needle spoke.

Commissioner Góngora stated that the points made by Tammy Tibbles were the same points the City Commission made, and now we are not getting them. He asked staff to explain when this happened.

6:29:56 p.m.

Jorge Gomez, Assistant City Manager, explained that after long serious of conversations and meetings, and telephone conversations with Tallahassee, they finally agreed to move the bicycle lanes to West Avenue. Subsequently, FDOT stated that they were done with the design, and when they move those corridor lines, the City has to modify the drainage system, and that was a decision point for the City Commission, which was to either insist on what the City was requiring, delay the construction, delay the stormwater management project, or include Commissioner Tobin's idea about mass transit connectivity. Ultimately, he decision was for FDOT to remove the bicycle lanes and the City accepted keeping the corridor lanes were they are, to add some future flexibility to accommodate mass transit on Alton Road. Discussion held.

Kathie G. Brooks, Assistant City Manager, explained that the City Commission gave Administration direction to try to get FDOT to agree to the bike lanes on West Avenue, and this Commission approved to move forward, subject to moving the bicycles lanes.

Discussion continued.

Harold Desdunes, Director of Transportation Development from FDOT, spoke.

Commissioner Tobin suggested for FDOT representatives to meet with the Administration to reach some accommodation to bring something to the residents that will look more like a main street. Additionally he stated that if the street is designed for a higher speed, the people drive at the speed that the road is designed for, regardless of speed limit

Gus Pego, Secretary of FDOT, stated that the speed limit is 35 mph, but drivers drive mostly at a safe speed. The road will have bulb outs and landscaping. He promised the Commission that after one year, once the full construction is done, they will come back to do a speed study to see if it merits reducing the speed. Discussion continued. Mr. Pego agreed with Commissioner Tobin's recommendation to meet with City staff, and further suggested having a public workshop to go through the plan block by block. He thanked the City Manager and the City Commission for facilitating their meeting, and added that they need to work together in order to make a difference in pedestrians and bicycle fatalities. **City Manager's Office to handle.**

Discussion continued.

Vice-Mayor Wolfson requested to review the final plans. Marcia Monserrat to handle.

Discussion continued.

Jimmy L. Morales, City Manager, stated that he spoke to Gus Pego and they met with his staff to discuss concerns, and, for the record, he added that State Representative David Richardson has reached out and offered to meet with staff and work through the issues. This is not just a road project, it is a drainage and flooding project. FDOT has agreed to move the three major pump stations off Alton Road, and once this project is done, it will be good for businesses and for the residents and the City altogether. He is happy that it is moving forward.

Discussion continued.

Commissioner Góngora stated that he does not want to put a stop to the project, but he suggested improving it. He added that what the residents have presented is better than what FDOT has.

Gus Pego, Secretary of FDOT, suggested having an action plan, and to hold a public meeting to see what can be accomplished between the visions. There are technical merits for bicycle placement. Discussion continued regarding staff meetings and FDOT, and then reaching out to the public.

Commissioner Góngora agreed to move to approve City staff to meet with FDOT, but also included in his motion, as an expression from this body, that if the plan can be improved, then that is what this Commission wants; seconded by Commissioner Exposito.

Commissioner Weithorn stated that the three feet bicycle rule is not being enforced, and she wants to know what is being done to educate the public, motorists and cyclists. She suggested an education campaign and will also bring the issue up to the Bicycle Committee. **Police Chief Martinez, Eric Carpenter and Jose Gonzalez to handle.**

Eric Carpenter, Public Works Director, stated that Public Works, the Police Department and FDOT are working together on an educational campaign to get the word out to the community this summer, including camps at parks, so the community understands the rights of bicyclists and how they should interact with street traffic. Discussion continued.

Mayor Bower requested that the bicycle law be enforced. Police Chief Martinez to handle.

Amendment:

Commissioner Tobin added an amendment to the motion to include in the technical meetings Mathew Lambert, Jason King and Tammy Tibbles to represent the residents. The maker of the motion accepted the amendment.

Commissioner Tobin stated that it would be prudent to retain counsel that knows how to pursue a lawsuit like this if needed, and meet as soon as possible and concentrate on the design/speed issue. City Attorney's Office to handle.

Commissioner Góngora suggested expediting the technical meeting, and FDOT agreed to meet sometime next week. Discussion continued.

7:02:16 p.m.
FINAL MOTION CLARIFIED:
Commissioner Góngora moved to:

- Schedule a technical meeting with Jimmy L. Morales, City Manager, residents representatives Mathew Lambert, Jason King, Tammy Tibbles, and FDOT within one week (by next Wednesday), to see how the design of Alton Road can be improved
- Notify State Legislature the will of the Commission in trying to improve the design for residents.
- Commission Committee Report of the June 12 Land Use and Development Committee to be placed at the next Commission Agenda.
 Motion seconded by Commissioner Exposito; Voice-vote: 7-0.

Commissioner Tobin requested a legal expert be identified in the event of litigation.

Jose Smith, City Attorney, answered that the City has the Gary Rutledge Firm in Tallahassee, which was previously involved with FDOT in this issue, and they managed to negotiate the movement of the dedicated bike lanes from Alton Road to West Avenue. He has had conversations with them and they deal with these issues in an adversarial type of way, in the Administrative Court system, so there is someone onboard if necessary.

City Clerk's Note:

Matthew Lambert is an architectural and urban designer and planner, with more than twelve years of experience that covers a broad range of project types, from regional, multi-county plans, to new community and redevelopment plans and regulations, to affordable and modular housing design. He has managed projects for campus plans, hospital strategic master plans including program distribution, resort towns and disaster recovery plans, throughout the U.S., the Caribbean, Europe and the Middle East. A leader with NextGen in the Congress for the New Urbanism, he is active in that organization's initiatives. He is contributing to the evolution of the Smart Code as a member of the Transect Codes Council.

Jason King has extensive experience with smart growth, comprehensive planning and form-based codes. His previous experience as a municipal planner assists in the creation of successful, effective plans and codes. He is a specialist in Geographic Information Systems (GIS), Transfer of Development Rights programs, new town design and the Smartcode. Jason serves on the Transect Codes Council, and his writings and graphics have been published in numerous planning texts.

Handout or Reference Materials:

1. Email from the South of Fifth Neighborhood Association dated May 30, 2013 RE: Alton Road Reconstruction Coalition and June 3 community meeting.

ADDENDUM AGENDA 3:

R9H Discussion Regarding The Miami Herald Story Regarding Sewage On Meridian Avenue, The Grease Pan Ordinance, And Other Preventative Measures To Stop This From Happening In The Future.

(Requested By Commission Michael Góngora)

ACTION: Not reached.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Written Report given.

3:02:42 p.m.

Announcement:

Rafael E. Granado, City Clerk, announced the Closed Executive Session below:

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, June 5, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Closed Executive Session held.

11:38:22 a.m.

Jose Smith, City Attorney, announced the Attorney-Client Session.

R10C Closed Attorney-Client Session

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Seville Acquisition, LLC v. City Of Miami Beach Case No.: 2013-17539-CA-01

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On June 5, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge R. Exposito, Michael Góngora, Jerry Libbin, Edward L. Tobin, Deede Weithorn And Vice-Mayor Jonah Wolfson; City Manager Jimmy Morales, City Attorney Jose Smith, And First Assistant City Attorney Gary Held.

ACTION: Closed Executive Session held.

Clerk's Note: See Item R7D

Reports and Informational Items

- 1. Reports and Informational Items (see LTC 184-2013)
- List of Projects Covered by the Cone of Silence Ordinance LTC No. 175-2013. (Procurement)

8:19:26 p.m.

3. Presentation, Pursuant To Section 7.04 Of The City Of Miami Beach Charter, To The City Commission Of Petition Papers Petitioning The City Commission To Submit To The Electors Of Miami Beach Amendments To Section 1.03 Of The Miami Beach City Charter.

Rafael E. Granado, City Clerk, introduced the item. Pursuant to Section 7.04 of the City of Miami Beach Charter, Mr. Granado notified the City Commission that on June 4, 2013, petition papers were delivered by "Let Miami Beach Decide," a political committee, to the Office of the City Clerk, as one (1) instrument, petitioning the City of Miami Beach Commission to submit to the qualified electors of Miami Beach the following amendments to the Miami Beach City Charter:

Sec. 1.03 of the Miami Beach, City Charter shall be amended as follows (Clerk's Note: Underscore denotes additions; strike through denotes deletions):

Sec. 1.03. – Powers of City.

- (b) Alienability of property.
- 2. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall also require approval by a majority vote of the voters in a City-wide referendum: (1) *Lots West of the North Shore Open Space Park:* All City-owned property bounded by 87th Street on the North, Collins Avenue on the East, 79th Street on the South, and Collins Court on the West; (2) *Cultural Campus:* All City-owned property bounded by 22nd Street on the North, Park Avenue on the West, 21st Street on the South, and Miami Beach Drive on the East; (3) 72nd Street Parking Lot: The City-owned surface parking lot bounded by 73rd Street on the North, Collins Avenue on the East, 72nd Street on the South, and Harding Avenue on the West; (4) *Convention Center Parking Lots:* All City owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; and (5 4) *Lincoln Road Parking Lots:* All City-owned surface parking lots in the vicinity of Lincoln Road located within the area bounded by 17th Street on the North, Euclid Avenue on the East, 16th Street on the South, and West Avenue on the West.
- 3. The sale, exchange, conveyance or lease of ten years or longer of the following properties shall require approval by vote of at least sixty (60) percent of the City's voters voting thereon in a City-wide referendum: (1) *Convention Center Parking Lots:* All City-owned surface parking lots located in the Civic and Convention Center District, generally bounded by Lincoln Lane on the South, Washington Avenue on the East, Meridian Avenue on the West and Dade Boulevard on the North; (2) *Convention Center Campus:* All City-owned property, except for the Convention Center and Carl Fisher Club House, located within the Civic and Convention Center District (includes City Hall, 1701 Meridian Street, 555 17th Street, 21st Street Community Center, The Fillmore Miami Beach/Jackie Gleason Theater, and the 17th Street Parking Garage). All local laws, charter provisions and ordinances of the City in conflict with this provision are hereby repealed. This provision shall become effective immediately upon acceptance of the certification of election results by the City Commission.

Mr. Granado stated that the Office of the City Clerk would follow the procedures set forth in Section 7.04 of the City of Miami Beach Charter, to wit:

• Within ten (10) days after the petition is formally presented to the City Commission, the City Clerk shall determine whether each petition paper is in proper form.

• Within ten (10) days from determining that the petition is in proper form, the City Clerk shall transmit the petition papers to the Metropolitan Dade County Department of Elections (Miami-Dade County Elections) for purposes of determining whether the petition as a whole has been signed by a sufficient percentage of the City electors. The Metropolitan Dade County Elections Department (Miami-Dade County Elections) shall complete a certificate as to the petition's sufficiency (concerning requisite number of signatures); such certificate shall specify if it is insufficient, and a copy of this certificate shall be promptly sent to the City Clerk. The City Clerk shall then promptly forward the certificate on to the petition's initiator, and shall present the certificate to the City Commission.

Rafael E. Granado, City Clerk, confirmed, that he had received the original petitions. Vice-Mayor Wolfson, the Chairperson of "Let Miami Beach Decide," stated that he had kept copies of the petitions as well.

Vice-Mayor Wolfson explained that he is present on behalf of "Let Miami Beach Decide." The people have spoken; they have collected over 7,000 signatures. However the members of the Commission feel about the item, whether supportive or not, the people have spoken very loudly that this is an item that they would like to see on the agenda. Why do we need to sell the quality of life of our City so that a few people can make an enormous amount of money? As a resident in this City, Vice-Mayor Wolfson thinks that this project has the potential to have a devastating impact on the resident's quality of life. The project has 100 thousand square feet of commercial space, 360,000 square feet of apartments and a 1,000-room hotel; Vice-Mayor Wolfson does not think that giving away the public land in order to make a couple of individuals wealthier is any way to do business. The City has money accessible to it, \$200 million, to do the renovations of the Convention Center. The City has not done a full investigation as to how far that money will get them to renovate the Convention Center. He is a big supporter of renovating the Convention Center, as the building needs to be renovated. He thinks it is a misguided project, full of potential issues of corruption, and it has the potential to disrupt the quality of life.

Commissioner Libbin asked if Vice-Mayor Wolfson had been paid to undertake this function. Vice-Mayor Wolfson responded that he had not been paid. Commissioner Libbin asked Vice-Mayor Wolfson if he was a paid registered lobbyist in Miami-Dade County. Vice-Mayor Wolfson responded that he was not a paid registered lobbyist.

Discussion continued.

Commissioner Tobin commented that he was approached at Publix to sign the petition, and they said to him that the City was giving away half a billion dollars, and made other comments that were not true to get him to sign the petition. Petitioners are paid per signature, and they want to earn their money. The voters, even with as high a hurdle as Vice-Mayor Wolfson is trying to set, will make the right decision, and the Convention Center project will pass, as he feels that right wins over not right. Commissioner Tobin stated that the Vice-Mayor was taking liberties with the facts, as the City was not doing a 1,000-room hotel, it is an 800-room hotel; the City Commission, during all the Convention Center meetings, has expressed its displeasure for the residential units, yet Vice-Mayor Wolfson says there is 360,000 square feet of residential space. Commissioner Tobin commented that it is easy to rally the public, but when you do not tell the truth, it is a betrayal of the public trust.

Discussion continued.

Commissioner Góngora stated that he was approached by someone to sign the petition. He

inquired of them as to why they were doing it, and where were they from? The person told Commissioner Góngora that they were from Panama City – in the Panhandle. They mentioned that they were hired and trained by Vice-Mayor Wolfson on how to collect petition signatures, and that were trained at 41st Street at Terranova's offices. They said that they had been trained to go up to people and say that the City is giving away all of this land and that the City is putting money in developers' pocket. When Commissioner Góngora inquired of them as to who those developers were, they could not answer his question. These individuals were merely trained to collect signatures, and to say whatever buzzwords were necessary to get residents to sign the petition. These individuals are not residents from our community; they are paid and bused from other areas in Florida, which concerned him.

Discussion continued on the process regarding the collection of signatures for petitions.

Commissioner Góngora asked Vice-Mayor Wolfson if he had been paid for the process. Vice-Mayor Wolfson stated he was not.

Jose Smith, City Attorney, explained the process. If the City Clerk finds the petition forms appropriate, he will turn over the petitions to the Supervisor of Elections. When those petitions are certified, then the City will have a window between 60 and 120 days for the City Attorney's Office to bring back a ballot question, which the City Commission would probably vote on at the July 2013 meeting.

Mayor Bower inquired what occurred if the Supervisor of Elections did not have the petitions counted in time for the July meeting. City Attorney Smith stated that the City has up to 120 days, or 60 days before November 2013 to place it on the ballot.

The Mayor inquired if this can be done in September. City Attorney Smith responded in the affirmative, as long as it was prior to September 6, 2013.

Vice-Mayor Wolfson asked if this was a ministerial task of the City Commission. City Attorney Smith responded that is was ministerial. Vice-Mayor Wolfson stated that then the City Commission is required to place the item on the ballot if City Attorney approves the legality of the question. City Attorney Smith responded in the affirmative.

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive June 5, 2013

Chairperson of the Board Matti Herrera Bower

Member of the Board Jorge Exposito

Member of the Board Michael Góngora

Member of the Board Jerry Libbin Member of the Board Edward L. Tobin

Member of the Board Deede Weithorn

Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales Assistant Director Jorge Gomez General Counsel Jose Smith Secretary Rafael E. Granado

AGENDA

Absent

Absent

1. NEW BUSINESS

2:35:08 p.m.

SUPPLEMENTAL AGENDA 3: Memorandum

- A Penn 17 Lease Agreement
 - 1. A Resolution, Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. 10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development) (Continued from May 8, 2013)

ACTION: Item heard in conjunction with R7A1. **Public Hearing held. RDA Resolution No. 593-2013 approved.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 5-0; Absent: Commissioners Libbin and Tobin. **Max Sklar to handle.**

Rafael E. Granado, City Clerk, stated for the record, that all board members are present with the exception of Commissioners Libbin and Tobin.

Raul Aguila, Chief Deputy City Attorney, introduced the item, which is to approve Amendment No. 3 to the Retail Lease Agreement. He further explained that the RDA needs to take action on the Zoning Code approval, as it is a City action.

2:35:22 p.m.

2.

SUPPLEMENTAL AGENDA 3: Memorandum

A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Approving The Transfer, As Such Term Is Defined In The Lease Agreement (The Lease) By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Of A 100% Controlling Ownership Interest In Penn 17, LLC From The Current Managers/Members, Amir Ben-Zion And Ramon Cherstvov (Transferors), To The Proposed Purchasers Of Penn 17, Roman Cherstvov And OBK Project LLC (Transferees); With Approval Of Such Transfer Subject To And Contingent Upon The Parties' Execution Of Amendment No. 3 To The Lease And, Further, Satisfaction By Transferees Of The Following Conditions (To Be Satisfied Prior To And As A Condition Of Lessor's Execution Of Amendment No. 3): 1) Payment `Of Outstanding Rent For The Months Of May And June, 2013; 2) Satisfaction Of Any And All Liens Against The Leased Premises Including, Without Limitation, Liens And/Or Claims Filed By A & P Air Conditioning And Cors-Air; 3) Dismissal, With Prejudice, Of The Lawsuit Filed By A & P Against The City To Collect The A & P Lien; 4) Re-Payment Of The Remaining Balance Of Rent And CAM For November And December 2012, In The Amount Of \$120,519.98; 5) Replacement Of The Required \$50,000 Minimum Balance Into The Lessee Construction Fund; 6) Re-Location, At Transferees' Sole Cost, Of The Leased Premises A/C Units To The Roof Of The Pennsylvania Garage: And 7) Execution Of A General Unconditional Release In Favor Of The City And RDA; And Further Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or His Designee, To Negotiate And Execute An Agreement With Halloran Construction, Inc., In An Amount Not To Exceed \$250,000.00, To Address The Relocation Of The Kitchen Exhaust Venting System Installed By Penn 17, LLC. Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development)

(Memorandum)

ACTION: Item heard in conjunction with R7A2. **Public Hearing held. RDA Resolution No. 594-2013 approved.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Wolfson; Voice-vote: 5-0; Absent: Commissioners Libbin and Tobin. **Max Sklar to handle.**

Raul Aguila, Chief Deputy City Attorney, introduced the item, which is to approve the Transfer of the ownership of Penn 17 to Roman Cherstvov and OBK, subject to the conditions in the Resolution.

B A Resolution Setting A Public Hearing To Consider A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Second Amendment To The Operating Budget For The City Center Redevelopment Area, For Additional Revenue In Fiscal Year 2012/13.

(Tourism, Culture & Economic Development Department)

ACTION: RDA Resolution No. 595-2013 approved. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-vote: 5-0; Absent: Commissioners Libbin and Tobin. Rafael E. Granado to notice. Lilia Cardillo to place on the July 17, 2013 Commission Agenda if received. **Max Sklar to handle.**

Max Sklar, Tourism and Cultural Development Director, stated that this item is to set a public hearing for next month to amend the operating budget for the RDA.

Meeting adjourned at 11:12:52 p.m.